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DE Jure Regni APUD SCOTOS.

OR, A

DIALOGUE,

Concerning the due Priviledge of

GOVERNMENT

In the Kingdom of

SCOTLAND.

BETWIXT

GEORGE BUCHANAN

And

THOMAS MAITLAND,

By the said

GEORGE BUCHANAN.

Translated out of the Original *Latine* into *English.*

By *PHILALETHES.*

LONDON, Printed for *Richard Baldwin.* 1689.

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1683
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A

DIALOGUE

Treating of the

JUS, OR RIGHT,

Which the KINGS of *Scotland* have for exercising their Royal Power.

George Buchanan, AUTHOR.

George Buchanan to King *James*, the sixth of that name King of *Scots*, wisheth all health and happiness.

I Wrote several years ago, when amongst us affairs were very turbulent, a Dialogue of the right of the Scots Kings, wherein I endeavoured to explain from the very beginning (if I may so say) what right, or what authority both Kings and People have one with another. Which Book, when for that time it seemed somewhat profitable, as shutting the mouths of some, who more by importunate clamours at that time, than what was right, inveighed against the course of affairs, requiring they might be levelled according to the rule of right reason; but matters being somewhat more peaceable, I also having laid down my Arms, very willingly devoted my self to publick concord. Now having lately fallen upon that disputation, which I found amongst my Papers, and perceiving therein many things which might be necessary for your Age (especially you being placed in that part of humane affairs) I thought

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good to publish it, that it might be a standing witness of mine affection towards you, and admonish you of your duty towards your Subjects. Now many things perswaded me that this my endeavour should not be in vain: Especially your Age not yet corrupted by prave opinions, and inclination far above your Years for undertaking all Heroical and noble attempts, spontaneously making haste thereunto, and not only your promptitude in obeying your Instructors and Governours, but all such as give you sound admonition, and your Judgment and Diligence in examining Affairs, so that no mans Authority can have much weight with you, unless it be confirmed by probable reason. I do perceive also, that you by a certain natural instinct do so much abhor flattery, which is the Nurse of Tyranny, and a most grievous plague of a Kingdom, so as you do hate the Court Solecisms and Barbarisms no less, than those that seem to censure all elegancy, do love and effect such things, and every where in discourse spread abroad, as the Sawce thereof, these Titles of Majesty, Highness, and many other unsavoury compellations. Now albeit your good natural dispostion, and sound instructions, wherein you have been principled, may at present draw you away from falling into this Error, yet I am forced to be somewhat jealous of you, lest bad company, the fawning foster-mother of all vices, draw aside your soft and tender mind into the worst part; especially seeing I am not ignorant, how easily our other senses yeild to seduction. This Book therefore I have sent unto you to be not only your monitor, but also an importunate and bold Exactor, which in this your tender and flexible years may conduct you in safety from the rocks of flattery, and not only may admonish you, but also keep you in the way you are once entred into: And if at any time you deviate, it may reprehend and draw you back, the which if you obey, you shall for your self and for all your Subjects acquire Tranquility and Peace in this life, and Eternal Glory in the Life to come. Farewel, from Stirveling, *the Tenth day of* January *in the Year of Mans Salvation one Thousand Five Hundred Seventy Nine.*

A DIA-

THE TRANSLATOR TO THE READER.

Candid Reader,

I Have presumed to trouble your attention with the Ceremony of a Preface, the end and design of which is not to usher in my Translation to the World with curious embellishments of Oratory (that serving only to gratifie, or enchaunt a Luxuriant fancy) but allennarly to Apologize for it, in case a *Zoilus*, or a *Momus*, shall happen to peruse the same. Briefly, then I reduce all that either of these will (as I humbly perceive) object against this my work, to these two Generals, *Prevarication* and *Ignorance*. First, they will call me a prevaricator or prevaricating Interpreter, and that upon two accounts. First, Becausé I have (say they) sophisticated the genuine sence and meaning of the learned Author, by interpreting and foisting in spurious words of mine own. Secondly, That I have quite alienated the literal sence in other places by a too Paraphrastical exposition. To the first I answer, that none are ignorant, that the Original of this piece is a Lofty *Laconick* stile of Latin: Now I once having undertaken *Provinciam Interpretis*, behoved to render my interpretation somewhat plain and obvious, which I could never do in some places, without adding some words (*Claritatis gratiâ*) but always I sought out the scope (as far as my shallow capacity could reach) and suited them thereunto. Wherein I am hopeful, that no ingenuous impartial Reader not prepossessed with prejudice against the matter contained in the Original, and consequently against the Translation thereof, will find much matter of quarrel upon that account, if he will but take an overly view of the Original,

and ſo compare the Tranſlation therewith. For I have been very ſparing in adding ought of my own. To the ſecond branch of the firſt Challenge I anſwer briefly; there are none who have the leaſt ſmattering of common ſence, but know well enough, that it is *morally impoſſible* for an Interpreter to make good Language of any Latine piece, if he ſhall alwayes *verbum verbo reddere*; I mean, if he adhere ſo cloſe to the very rigour of the Original, as to think it illicite to uſe any *Paraphraſe*, although the ſuccinctneſs and ſummary comprehenſiveneſs of the Original Stile even cry aloud for it, as it were; but to ſilence in a word theſe Critical Snarlers, where ever I have uſed any *Paraphraſe*, I likewiſe have ſet down the expoſition *ad verbum* (to the beſt of my knowledge) as near as I could.

The Second Challenge is of *Ignorance*, and that becauſe I have paſſed by ſome Latine verſes of *Seneca*, which are at the end of this *Dialogue*, containing the Stoicks deſcription of a King, without Tranſlating them into Engliſh. Now, true it is, I have done ſo, not becauſe I knew not how to interpret them (for I hope, Candid Readers at leaſt will not ſo judge of me) but becauſe I thought it not requiſite to meddle with them, unleſs I could have put as ſpecious a luſtre upon them, as my Pen would have pulled off them (for otherwiſe I would have greatly injured them) which could never be done without a ſublime Vein of Poeſie, wherein I ingenuouſly profeſs ignorance: ſo that if the laſt Challenge be thus underſtood, *tranſeat* becauſe

Nec fonte labra prolui Cabalino,
Nec in bicipiti ſomniaſſe Parnaſſo,
Memini, ut repentè ſic Poeta prodirem.

And hence it is, that all the Latin Verſes, which occur in this *Dialogue*, are by me Tranſlated into Proſe, as the reſt: But I fear I have wearied your Patience too long already, and therefore I will go no further, I wiſh you ſatisfaction in the Book, and ſo

Vive & Vale.

A DI-

A DIALOGUE

Concerning that

JUS or RIGHT OF GOVERNMENT

Amongst the

SCOTS.

PERSONS

GEORGE BUCHANAN

And

THOMAS MAITLAND.

THomas *Maitland* being of late returned home from *France*, and I seriously enquiring of him the state of Affairs there, began (for the love I bear to him) to exhort him to continue in that course he had taken to honour, and to entertain that excellent hope in the progress of his Studies. For if I, being but of an ordinary spirit, and almost of no fortune, in an illiterate Age, have so wrestled with the iniquity of the times, as that I seem to have done somewhat: then certainly they who are born in a more happy Age, and who have maturity of Years, Wealth and Pregnancy of Spirit, ought not to be deterred by pains from noble designs, nor can such despair being assisted by so many helps. They should therefore go on with vigour to illustrate learning, and to commend themselves and those of their Nation to the memory of after Ages and posterity. Yea if they would but bestir themselves herein somewhat actively, it might come to pass, that they would eradicate out of Mens minds that opinion, that Men in the cold regions

of the World, are at as great distance from Learning, Humanity and all Endowments of the Mind, as they are distant from the Sun. For as Nature hath granted to the *Africans*, *Egyptians*, and many other Nations more subtile motions of the Mind, and a greater sharpness of Wit, yet she hath not altogether so far cast off any Nation, as to shut up from it an entry to Vertue and Honour. Hereupon, whilst he did speak meanly of of himself (which is his modesty) but of me more affectionatly than truely: at last the tract of discourse drew us on so far, that when he had asked me concerning the troubled state of our Country, and I had answered him as far as I judged convenient for that time; I began by course to ask him, what was the opinion of the *French*'s or other Nations with whom he had conversed in *France*, concerning our Affairs? For I did not question, but that the novelty of Affairs (as is usual) would give occcasion and matter of discourse thereof to all. Why (saith he) do you desire that of me? For seeing you are well acquainted with the course of Affairs, and is not ignorant what the most part of men do speak, and what they think. You may easily gues in your own Conscience, what is, or at least should be the Opinion of all. *B.* But, the further that foreign Nations are at a distance, they have the less causes of Wrath, Hatred, Love and other Perturbations, which may divert the Mind from Truth, and for the most part they so much the more judge of things sincerely, and freely speak out what they think: that very freedom of speaking and conferring the thoughts of the Heart doth draw forth many obscure things, discovers intricacies, confirms doubts and may stop the Mouth of wicked men, and teach such as are weak. *M.* Shall I be ingenuous with you? *B.* Why not? *M.* Although I had a great desire after so long a time, to visit my native Country, Parents, Relations and Friends, yet nothing did so much inflame my desire, as the clamour of a rude multitude: For albeit I thought my self well enough fortified either by my own constant Practice, or the moral precepts of the most Learned, yet when I came to fall upon the present case, I know not how I could conceal my Pusilanimity. For when that horrid villany not long since here perpetrated, all with one voice did abominate it, the Author hereof not being known; the multitude, which is more acted by precipitancy, than ruled by deliberation, did charge the fault of some few upon all; and the common hatred of a particular crime did redound to the whole Nation, so that even such as were most remote from any suspicion were inflamed with the infamy of other mens crimes. When therefore this storm of calumny was calmed, I betook my self very willingly into this port, wherein notwithstanding I am afraid, I may dash upon a Rock. *B.* Why, I pray you? *M.* Because the atrociousness of

that

that late crime doth ſeem ſo much to inflame the Minds of all already exaſperated, that now no place of Apology is left. For, how ſhall I be able to ſuſtain the impetuous aſſaults, not only of the weaker ſort, but alſo of thoſe who ſeem to be more ſagacious, who will exclaim againſt us, that we were content with the ſlaughter of an harmleſs Youth, an unheard of cruelty, unleſs we ſhould ſhew another new example of atrocious cruelty againſt Women, which ſex very Enemies do ſpare when Cities are taken by force. Now from what villany will any dignity or Majeſty deter thoſe, who thus rage againſt Kings? or what place for mercy will they leave, whom neither the weakneſs of Sex, nor innocency of Age will reſtrain? Equity, Cuſtom, Laws, the reſpect to Soveraignty Reverence of lawful Magiſtracy, which henceforth they will either retain for ſhame, or coerce for fear, when the power of ſupream Authority is expoſed to the ludibry of the baſeſt of the People, the difference of equity and iniquity, of honeſty and diſhoneſty being once taken away, almoſt by a publick conſent, there is a degeneracy into cruel barbarity. I know I ſhall hear theſe and more atrocious then theſe ſpoken ſo ſoon as I ſhall return into *France* again; all mens Ears in the mean time being ſhut from admitting any Apology or ſatisfaction. *B.* But I ſhall eaſily liberate you of this fear, and our Nation from that falſe crime. For, if they do ſo much deteſt the atrociouſneſs of the firſt crime, how can they rationally reprehend ſeverity in revenging it? or if they take it ill, that the Queen is taken order with, they muſt needs approve the firſt deed; chooſe you then, which of the two would you have to ſeem cruel. For neither they nor you can praiſe or reproach both, provided you underſtand your ſelves. *M.* I do indeed abhor and deteſt the Kings Murther, and am glad that the Nation is free of that guilt, and that it is charged upon the wickedneſs of ſome few. But this laſt fact I can neither allow or diſallow; for it ſeems to me a famous and memorable deed, that by counſel and diligence they have ſearched out that Villany, which ſince the Memory of Man is the moſt hainous, and do purſue the perpetrators in a hoſtile manner. But in that they have taken order with the chief Magiſtrate, and put contempt upon Soveraignty, which amongſt all Nations hath been always accounted great and ſacred. I know not how all the Nations of *Europe* will reliſh it, eſpecially ſuch as live under Kingly Government; ſurely the Greatneſs and Novelty of the fact doth put me to a demur, albeit I am not ignorant what may be pretended on the contrary, and ſo much the rather, becauſe ſome of the Actors are of my intimate Acquaintance. *B.* Now I almoſt perceive, that it doth perhaps not trouble you ſo much, as thoſe of forreign Nations, who would be judges of the Vertues of others to whom

you

you think ſatisfaction muſt be given. Of theſe I ſhall ſet down three ſorts eſpecially, who will vehemently enveigh againſt that deed. The firſt kind is moſt pernicious, wherein thoſe are, who have mancipated themſelves to the luſts of Tyrants, and think every thing juſt and lawful for them to do, wherein they may gratifie Kings, and meaſure every thing not as it is in it ſelf, but by the luſt of their Maſters. Such have ſo devoted themſelves to the luſts of others, that they have left to themſelves no liberty either to ſpeak or do. Out of this Crew have proceeded thoſe, who have moſt cruelly Murthered that Innocent Youth, without any cauſe of Enmity, but through hope of gain, Honour and Power at Court to ſatisfie the luſt of others. Now whilſt ſuch feign to be ſorry for the Queens caſe, they are not grieved for Her misfortunes, but look for their own ſecurity, and take very ill to have the reward of their moſt Hainous Crime, (which by hope they ſwallowed down) to be pulled out of their Throat. I judge therefore that this kind of Men ſhould not be ſatisfied ſo much by reaſoning, as chaſtiſed by the ſeverity of Laws, and force of Arms. Others again are all for themſelves; theſe Men, though otherwiſe not Malicious, are not grieved for the publick Calamity (as they would ſeem to be) but for their own Domeſtick damages, and therefore they ſeem to ſtand in need rather of ſome comfort, than of the remedies of perſwaſive reaſoning and Laws. The reſt is the rude multitude, which doth admire at all Novelties, reprehend many things, and think nothing is right, but what they themſelves do or ſee done: For how much any thing done doth decline from an Ancient Cuſtome, ſo far they think it is fallen from Juſtice and Equity. And becauſe theſe be not led by Malice and Envy, nor yet by Self-intereſt, the moſt part will admit Information, and to be weaned from their Error, ſo that being convinced by the ſtrength of reaſon, they yield: Which in the matter of Religion, we find by experience very often in theſe days, and have alſo found it in preceding Ages. There is almoſt no man ſo wild, that cannot be tamed, if he will but patiently hearken to inſtruction.

M. Surely we have found oftentimes that very true. *B.* When you therefore deal with this kind of people ſo clamorous and very importunate, ask ſome of them, what they think concerning the puniſhment of *Caligula*, *Nero* or *Domitian*, I think there will be none of them ſo addicted to the name *King*, that will not confeſs, they were juſtly puniſhed. *M.* Perhaps you ſay right, but theſe very ſame men will forthwith cry out, that they complain not of the puniſhment of Tyrants, but are grieved at the ſad Calamities of Lawful Kings. *B* Do you not then perceive how eaſily the People may be pacified? *M.* Not indeed, unleſs you

you ſay ſome other thing. *B.* But I ſhall cauſe you underſtand it in few words, the People (you ſay) approve the Murther of Tyrants, but compaſſionate the misfortune of Kings, would they not then change their Opinion, if they clearly underſtood what the difference is betwixt a Tyrant and a King? do you not think that this might come to paſs, as in many other caſes? *M.* If all would confeſs that Tyrants are juſtly killed, we might have a large entry made open to us for the reſt, but I find ſome men, and theſe not of ſmall Authority, who while they make Kings liable to the penalties of the Laws, yet they will maintain Tyrants to be Sacred perſons; but certainly by a prepoſterous judgment, if I be not miſtaken, yet they are ready to maintain their Government, albeit immoderate and intolerable, as if they were to Fight for things both Sacred and Civil. *B.* I have alſo met with ſeveral perſons oftentimes, who maintain the ſame very pertinaciouſly; but whether that opinion be right or not, we ſhall further diſcuſs it hereafter at better conveniency. In the mean time, if you pleaſe, let us conclude upon this, upon condition, that unleſs hereafter it be not ſufficiently confirmed unto you, you may have liberty to retract the ſame. *M.* On theſe terms indeed I will not refuſe it. *B.* Let us then conclude theſe two to be contraries, a *King* and a *Tyrant*. *M.* Be it ſo. *B.* He therefore that ſhall explain the Original and Cauſe of Creating Kings, and what the duties of Kings are towards their People, and of People towards their Kings, will he not ſeem to have almoſt explained on the other hand, what doth pertain to the nature of a Tyrant. *M.* I think ſo. *B.* The repreſentation then of both being laid out, do you not think that the People will underſtand alſo, what their duty is towards both? *M.* It is very like they will. *B.* Now contrariwiſe, in things that are very unlike to one another, which yet are contained under the ſame *Genus*, there may be ſome ſimilitudes, which may eaſily induce imprudent Perſons into an Error. *M.* Doubtleſs, there may be ſuch, and eſpecially in the ſame kind, where that which is the worſt of the two doth eaſily perſonate the beſt of both, and ſtudies nothing more, than to impoſe the ſame upon ſuch as are ignorant. *Buc.* Have you not ſome repreſentation of a King and of a Tyrant impreſſed in your mind? For if you have it, you will ſave me much pains. *M.* Indeed I could eaſily expreſs what *Idea* I have of both in my mind, but I fear, it may be rude and without form, therefore, I rather deſire to hear what your opinion is, leſt whilſt you are a refuting me, our diſcourſe become more prolix, you being both in Age and Experience above me; and are well acquainted, not only with the Opinions of others, but alſo have ſeen the Cuſtoms of many, and their Cities. *B.* I ſhall then do

it,

it, and that very willingly, yet will I not unfold my own Opinion ſo much, as that of the Ancients, that thereby a greater Authority may be given to my diſcourſe, as not being ſuch as is made up with reſpect to this time, but taken out of the Opinions of thoſe, who not being concerned in the preſent controverſie, have no leſs eloquently than briefly given their judgment, without Hatred, Favour, or Envy, whoſe Caſe was far from theſe things; and their Opinions I ſhall eſpecially make uſe of, who have not frivilouſly trifled away their time, but by vertue and counſel have flouriſhed both at home and abroad in well governed Commonwealths. But before I produce theſe witneſſes, I would ask you ſome few things, that ſeeing we are at accord in ſome things of no ſmall importance, there may be no neceſſity to digreſs from the purpoſe in hand, nor to ſtay in explaining or confirming things that are perſpicuous and well known. *M.* I think we ſhould do ſo, and if you pleaſe ask me. *B.* Do you not think that the time hath been, when men did dwell in Cottages, yea and in Caves, and as ſtrangers did wander to and fro without Laws, or certain dwelling places, and did Aſſemble together as their fond humours did lead them, or as ſome Commodity, and common utility did allure them? *M.* forſooth I believe that; ſeeing it is conſonant to the courſe and order of Nature, and is teſtified by all the Hiſtories of all Nations almoſt, for *Homer* doth diſcribe the repreſentation of ſuch a Wild and Barbarous kind of life in *Sicily*, even in the time of the *Trojans*. Their Courts (ſaith he) do neither abound with Councils nor Judges, they dwell only in darkſome Caves, and every one of them in high mountains ruleth his own Houſe, Wife and Children, nor is any of them at leiſure to Communicate his Domeſtick affairs to any other. About the ſame time alſo *Italy* is ſaid to be no better civilized, as we may eaſily conjecture from the moſt fertile regions almoſt of the whole World, how great a ſolitude and waſtneſs there were in places on this ſide of *Italy*. *B.* But whether do you think the vagrant and ſolitary life, or the Aſſociations of men civily incorporate, moſt agreeable to nature? *M.* The laſt without all peradventure, which *utility* the Mother almoſt of juſtice and equity did firſt convocate; and commanded to give ſigns or warnings by ſound of Trumpet, and to defend themſelves within Walls and to ſhut the Gates with one Key. *B.* But, do you think that utility was the firſt and main cauſe of the aſſociation of Men? *M.* Why not, ſeeing I have heard from the learned, that men are Born for men. *B.* Utility indeed to ſome ſeems to be very efficacious, both in begetting and conſerving the publick Society of Mankind; but if I miſtake not, there is a far more venerable, or ancient cauſe of mens aſſociating, and a more Antecedaneous;

cedaneous and Sacred bond of their Civil Community, otherwiſe, if every one would have a regard to his own private advantage, then ſurely that very utility would rather diſſolve than unite humane ſociety together. *M.* Perhaps that may be true, therefore I deſire to know what other cauſe you will aſſign. *B.* A certain inſtinct of nature, not only in Man, but alſo in the more tamed ſort of Beaſts, that although theſe allurements of utility be not in them, yet do they of their own accord flock together with other Beaſts of their own kind. But of theſe others we have no ground of debate? Surely we ſee this inſtinct by nature ſo deeply rooted in Man, that if any one had the affluence of all things, which contribute either for maintaining health, or pleaſure and delight of the mind, yet he will think his life unpleaſant without humane converſe. Yea, they who out of a deſire of knowledge, and an endeavour of inveſtigating the truth, have withdrawn themſelves from the multitude, and retired to ſecret corners, could not long endure a perpetual vexation of mind, nor, if at any time they ſhould remit the ſame, could they live in ſolitude, but very willingly did bring forth to light their very ſecret ſtudies, and as they had laboured for the publick good, they did communicate to all the fruit of their labour. But if there be any man who doth wholly take delight in ſolitude, and flee from converſe with men, and ſhun it, I judge it doth rather proceed from a diſtemper of the mind, than from any inſtinct of nature, ſuch as we have heard of *Timon* the *Athenian*, and *Bellerophon* the *Corinthian*, who (as the Poet ſaith) was a wandring wretch on the *Elean* Coaſts, eating his own Heart, and fleeing the very Foot-ſteps of Men. *M.* I do not in this much diſſent from you, but there is one word *Nature* here ſet down by you, which I do often uſe rather out of Cuſtome, than that I underſtand it, and is by others ſo variouſly taken, and accommodated to ſo many things, that for the moſt part I am at a ſtand to what I may mainly apply it. *B.* Forſooth at preſent I would have no other thing to be underſtood thereby, than that light infuſed by God into our minds, for when God formed that Creature more ſacred, and capable of a Celeſtial mind, and which might have dominion over the other Creatures, he gave not only Eyes to his Body, whereby he might evite things contrary to his condition, and follow after ſuch as might be uſeful, but alſo he produced in his mind a certain light, whereby he might diſcern things filthy from honeſt; this light ſome call Nature, others the Law of Nature, for my own part, truly I think it is of a heavenly ſtamp, and I am fully perſwaded, that Nature doth never ſay one thing, and Wiſdom another. Moreover, God hath given us an abridgment of that Law, which might contain the whole in few words, *viz.* That we ſhould

love him with all our Soul, and our neighbours as our ſelves, all the Books of Holy Scripture which Treat of ordering our Converſation, do contain nothing elſe but an explication of this Law. *M.* You think then that no Orator or Lawyer, who might congregate diſperſed men, hath been the Author of humane Society, but God only? *B.* It is ſo indeed, and with *Cicero*, I think there is nothing done on Earth more acceptable to the great God, who rules the World, than the aſſociations of men legally united, which are called Civil Incorporations, whoſe ſeveral parts muſt be as compactly joyned together, as the ſeveral Members of our Body, and every one muſt have their proper function, to the end there may be a mutual Cooperating for the good of the whole, and a mutual propelling of injuries, and a foreſeeing of advantages, and theſe to be Communicated for engaging the benevolence of all amongſt themſelves. *M.* You do not then make utility, but that Divine Law rooted in us from the beginning, to be the cauſe (indeed the far more worthy and Divine of the two) of mens incorporating in political Societies. *B.* I mean not indeed that to be the Mother of Equity and Juſtice, as ſome would have it, but rather the Handmaid, and to be one of the guards in Cities well conſtituted. *M.* Herein I alſo agree with you. *B.* Now as in our Bodies conſiſting of contrary Elements, there are Diſeaſes, that is, perturbations, and ſome inteſtine tumults, even ſo there muſt be of neceſſity in theſe greater Bodies, that is in Cities, which alſo conſiſt of various, (yea and for the moſt part) contrary humours, or ſorts of men, and theſe of different ranks, conditions and natures, and which is more, of ſuch as cannot remain one hour together approving the ſame things: And ſurely ſuch muſt needs ſoon diſſolve and come to nought; if one be not adhibited, who as a Phyſician may quiet ſuch diſturbances, and by a moderate and wholſom Temperament confirm the infirm parts and compeſce redundant humours, and ſo take care of all the Members, that the weaker may not languiſh for want of Nutrition, nor the ſtronger become luxuriant too much. *M.* Truly, it muſt needs be ſo. *B.* How then ſhall we call him who performeth theſe things in a Civil Body? *B.* I am not very anxious about his name, for by what name ſoever he be called, I think he muſt be a very excellent and Divine Perſon, wherein the Wiſdom of our Anceſtors ſeemeth to have much foreſeen, who have adorned the thing in it ſelf moſt illuſtrious with an illuſtrious name. I ſuppoſe you mean *King*, of which word there is ſuch an *Emphaſis*, that it holds forth before us clearly a function in it ſelf very great and excellent. *B.* You are very right, for we deſign God by that name. For we have no other more glorious name whereby we may declare the excellency

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of his glorious Nature, nor more ſuitable, whereby to ſignifie his paternal care and providence towards us. What other names ſhall I collect, which we Tranſlate to denote the Function of a King? Such as Father *Æneas*, *Agamemnon*, Paſtor of the People, alſo a Leader, Prince, Governour. By all which names ſuch a ſignification is implyed, as may ſhew that Kings are not ordained for themſelves, but for the People. Now as for the name we agree well enough: If you pleaſe, let us confer concerning the Function, inſiſting in the ſame Foot-ſteps we began upon. *M.* Which, I pray? *B.* Do you remember what hath been lately ſpoken, that an incorporation ſeemeth to be very like our Body, Civil Commotions like to Diſeaſes, and a King to a Phyſician? if therefore we ſhall underſtand what the duty of a Phyſician is, I am of the Opinion, we ſhall not much miſtake the duty of a King. *M.* It may be ſo, for the reſt you have reckoned are very like, and ſeem to me very near in kin. *B.* Do not expect that I will here deſcribe every petty thing, for the time will not permit it, neither doth the matter in hand call for it: But if briefly theſe agree together, you ſhall eaſily comprehend the reſt. *M.* Go on then, as you are doing. *B.* The ſcope ſeemeth to be the ſame to us both. *M.* Which? *B.* The Health of the Body, for curing of which they are adhibited. *M.* I underſtand you, for the one ought to keep ſafe the humane Body in its ſtate, and the other the Civil Body in its ſtate, as far as the nature of each can bear, and to reduce into perfect Health the Body Diſeaſed. *B.* You underſtand very well, for there is a twofold duty incumbent to both, the one is to preſerve Health, the other is to reſtore it, if it become weak by ſickneſs. *M.* I aſſent to you. *B.* For the Diſeaſes of both are alike. *M.* It ſeemeth ſo. *B.* For the redundance of things hurtful, and want or ſcarſity of things neceſſary are alike noxious to both, and both the one and other Body is Cured almoſt in the ſame manner, namely either by nouriſhing that which is extenuate and tenderly cheriſhing it, or by aſſwaging that which is full and redundant by caſting out ſuperfluities, and exerciſing the Body with moderate labours. *M.* It is ſo, but here ſeems to be the difference, that the humours in the one, and manners in the other are to be reduced into a right temperament. *B.* You underſtand it well, for the Body politick as well as the natural hath its own proper temperament, which I think very rightly we may call Juſtice. For it is that which doth regard every Member, and cureth it ſo as to be kept in its Function. This ſometimes is done by letting of Blood, ſometimes by expelling of hurtful things, as by egeſtion; and ſometimes exciting caſt down and timorous minds, and comforting the weak, and ſo reduceth the whole

Body into that temperament I ſpoke of: and being reduced, exerciſeth it with convenient exerciſes, and by a certain preſcribed temperature of Labour and reſt, doth preſerve the reſtored Health as much as can be. *M.* All the reſt I eaſily aſſent too, except that you place the temperament of the Body Politick in Juſtice: ſeeing temperance even by its very name and profeſſion doth juſtly ſeem to claim theſe parts. *B.* I think it is no great matter on which of them you confer this honour. For ſeeing all Vertues, whereof the ſtrength is beſt perceived in Action, are placed in a certain mediocrity and equability, ſo are they in ſome meaſure Connected amongſt themſelves, and cohere, ſo as it ſeems to be but one office in all, that is, the moderation of Luſts. Now in whatſoever kind this moderation is, it is no great matter how it be denominate: Albeit that moderation, which is placed in publick matters, and Mens mutual commerces doth ſeem moſt fitly to be underſtood by the name of Juſtice. *M.* Herein I very willingly aſſent to you. *B.* In the Creation of a King, I think the Ancients have followed this way, that if any among the Citizens where of any ſingular excellency, and ſeemed to exceed all others in Equity and Prudence, as is reported to be done in *Bee-Hives*, they willingly conferred the Government or Kingdom on him. *M.* It is credible to have been ſo. *B.* But what if none ſuch as we have ſpoken of, ſhould be found in the City? *M.* By that Law of Nature, whereof we formerly made mention, equals neither can, nor ought to Uſurp Dominion: For by Nature I think it Juſt, that amongſt theſe that are equal in all other things, their courſe of ruling and obeying ſhould be alike. *B.* What if a People, wearied with yearly Ambition be willing to Elect ſome certain Perſon not altogether endowed with all Royal Vertues, but either famous by his Noble Deſcent, or Warlike Valour? will you not think that he is a lawful King? *M.* Moſt lawful, for the People have Power to Confer the Government on whom they pleaſe. *B.* What if we ſhall admit ſome acute Man, yet not endowed with notable skil, for Curing Diſeaſes? ſhall we preſently account him a Phyſician, as ſoon as he is choſen by all? *M.* Not at all; for by Learning, and the Experients of many Arts, and not by ſuffrages is a Man made a Phyſician. *B.* What maketh Artiſts in other Arts? *M.* I think there is one reaſon of all. *B.* Do you think there is any Art of Reigning or not? *M.* Why not. *B.* Can you give me a reaſon why you think ſo? *M.* I think I can, namely that ſame which is uſually given in other Arts. *B.* What is that? *M.* Becauſe the beginnings of all Arts proceed from experience. For whilſt many did raſhly and without any reaſon undertake to Treat of many things, and others again through, exercitation and conſuetude did the ſame more

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ſagaciouſly, noticing the events on both hands, and perpending the cauſes thereof, ſome acute Men have digeſted a certain order of precepts, and called that Deſcription an Art. *B.* Then by the like animadverſion may not ſome Art of Reigning be deſcribed, as well as the Art of Phyſick? *M.* I think there may. *B.* Of what precepts ſhall it conſiſt? *M.* I do not know at preſent. *B.* What if we ſhall find it out by comparing it with other Arts? *M.* What way? *B.* This way: There be ſome precepts of Grammar, of Phyſick and Husbandry. *M.* I underſtand. *B.* Shall we not call theſe precepts of Grammarians and Phyſicians Arts and Laws alſo, and ſo of others? *M.* It ſeems indeed ſo. *B.* Do not the Civil Laws ſeem to be certain precepts of Royal Art? *M.* They ſeem ſo. *B.* He muſt therefore be acquainted therewith, who would be accounted a King. *M.* It ſeems ſo. *B.* What if he have no skill therein? Albeit the People ſhall command him to Reign, think you that he ſhould be called a King? *M.* You cauſe me here to heſitate: For if I would conſent with the former diſcourſe, the ſuffrages of the People can no more make him a King, than any other Artiſt. *B.* What think you, ſhall then be done? For unleſs we have a King choſen by ſuffrages, I am afraid we ſhall have no lawful King at all. *M.* And I fear alſo the ſame. *B.* Will you then be content that we more acurately examine what we have laſt ſet down in comparing Arts one with another? *M.* Be it ſo, if it ſo pleaſe you. *B.* Have we not called the precepts of Artiſts in their ſeveral Arts, Laws? *M.* We have done ſo. *B.* But I fear we have not done it circumſpectly enough. *M.* Why? *B.* Becauſe he would ſeem abſurd who had skill in any Art, and yet not to be an Artiſt. *M.* It were ſo: *B.* But he that doth perform what belongs to an Art, we will account him an Artiſt, whether he do it naturally, or by ſome perpetual and conſtant Tenour and faculty. *M.* I think ſo. *B.* We ſhall then call him an Artiſt, who knows well this rational and prudent way of doing any thing well, providing he hath acquired that faculty by conſtant Practice. *M.* Much better than him who hath the bare precept without uſe and exercitation. *B.* Shall we not then account theſe precepts to be Art? *M.* Not at all, but a certain ſimilitude thereof, or rather a ſhadow of Art? *B.* What is then that Governing faculty of Cities, which we ſhall call Civil Art or Science? *M.* It ſeems you would call it Prudence: Out of which, as from a Fountain or Spring, all Laws, providing they be uſeful for the preſervation of humane Society, muſt proceed and be derived. *B.* You have hit the Nail on the Head; if this then were compleat and perfect in any perſon, we might ſay he were a King by Nature, and not by ſuffrages, and might reſign over to him a Free Power over all things: But if we

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find not ſuch a man, we ſhall alſo call him a King, who doth come neareſt to that Eminent excellency of Nature, embracing in him a certain ſimilitude of a true King. *M.* Let us call him ſo, if you pleaſe. *B.* And becauſe we fear he be not firm enough againſt inordinate affections, which may, and for the moſt part uſe to decline Men from Truth, we ſhall adjoyn to him the Law, as it were a Colleague, or rather a Bridler of his Luſts. *M.* You do not think that a King ſhould have an Arbitrary Power over all things. *B.* Not at all: For I remember, that he is not only a King, but alſo a Man, Erring in many things by Ignorance, often failing willingly, doing many things by conſtraint: Yea a Creature eaſily changeable at the blaſt of every Favour or Frown, which natural Vice a Magiſtrate uſeth alſo to increaſe; ſo that here I chiefly find that of the Comedy made true. *All by Licenſe become worſe.* Wherefore the moſt Prudent have thought it expedient to adjoyn to him a Law, which may either ſhew him the way, if he be ignorant, or bring him back again into the way, if he wander out of it: By theſe, I ſuppoſe, you underſtand, as in a repreſentation, what I judge to be the duty of a true King. *M.* Of the cauſe of Creating Kings, of their name and duty you have fully ſatisfied me. Yet I ſhall not repine, if you pleaſe to add ought thereto: Albeit my mind doth haſten to hear what yet ſeems to remain, yet there is one thing which in all your diſcourſe did not a little offend me, which I think ſhould not be paſt over in ſilence, *viz.* That you ſeem ſomewhat injurious to Kings, and this very thing I did ſuſpect in you frequently before, whilſt I often heard you ſo profuſely commend the Ancient Common-Wealths, and the City of *Venice.* *B* You did not rightly herein judge of me. For I do not ſo much look to the different form of Civil Government (ſuch as was amongſt the *Romans*, *Maſſilians*, *Venetians* and others, amongſt whom the Authority of Laws were more Powerful, than that of Men) as to the equity of the form of Government; nor do I think it matters much, whether *King*, *Duke*, *Emperor*, or *Conſul* be the name of him who is Chiefeſt in Authority, providing this be granted, that he is placed in the Magiſtracy for the maintainance of Equity, for if the Government be lawful we muſt not contend for the name thereof. For he whom we call the Duke of *Venice*, is nothing elſe but a lawful King: and the firſt Conſuls did not only retain the Honours of Kings, but alſo their Empire and Authority, this only was the difference, that not one, but two of them did Reign (which alſo you know was uſual in all the *Lacedemonian* Kings,) who were Created or Choſen not conſtantly to continue in the Government, but for one Year. We muſt therefore always ſtand to what we ſpoke at firſt,

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that Kings at firſt were inſtituted for maintaining equity. If they could have holden that ſoveraignty in the caſe they had received it, they might have holden and kept it perpetually; but this is free and looſed by Laws. But (as it is with human things) the State of affairs tending to worſe, the ſoveraign Authority which was ordained for publick utility degenerated into a proud domination. For when the luſt of Kings ſtood inſtead of Laws, and men being veſted with an infinite and immoderate power, did not contain themſelves within bounds, but connived at many things out of favour, hatred, or ſelf intereſt, the inſolency of Kings made Laws to be deſired. For this cauſe therefore Laws were made by the People, and Kings conſtrained to make uſe, not of their own licencious Wills in judgment, but of that right or priviledge which the People had conferred upon them. For they were taught by many experiences, that it was better, that their liberty ſhould be concredited to Laws than to Kings, whereas the one might decline many ways from the Truth, but the other being deaf both to intreaties and threats, might ſtill keep one and the ſame tenor. This one way of Government is to Kings preſcribed, otherwiſe free, that they ſhould conform their actions and ſpeech to the Preſcripts of Laws, and by the ſanctions thereof divide rewards and puniſhments, the greateſt Bonds of holding faſt together human Society. And laſtly, even as ſaith that famous Legiſlator, *A King ſhould be a ſpeaking Law, and the Law a dumb King.* *M.* At firſt you ſo highly praiſed Kings, that you made their Majeſty almoſt glorious and ſacred, but now, as if you had repented in ſo doing, I do not know within what ſtrait Bonds you ſhut them up, and being thruſt into the Priſon (I may ſay) of Laws, you do ſcarce give them leave to ſpeak. And as for my part, you have diſappointed me of my expectation very far. For I expected, that (according to the moſt famous Hiſtorians) you ſhould have reſtored the thing which is the moſt glorious both with God and Man, into its own ſplendor, either of your own accord, or at my deſire in the ſeries in your diſcourſe, which being ſpoiled of all Ornaments, you have brought it into ſubjection, and that Authority, which through all the World is the chiefeſt, you having hedged in round about and made it almoſt ſo contemptible, as not to be deſired by any Man in his right wits. For what Man in his right wits would not rather live as a private Man with a mean fortune, than being ſtill in action about other Mens Affairs, to be in perpetual trouble, and neglecting his own Affairs, to order the whole Courſe of his Life according to other Mens Rules? But if that be the Terms of Government every where propoſed, I fear there will be a greater ſcarcity of Kings found, than was of Biſhops in the firſt Infancy of our Religion. Nor do I much wonder, if

Kings

Kings be regarded according to this plate form, being but Men taken from Feeding Cattle, and from the Plough, who took upon them that glorious Dignity. *B.* Consider I pray you, in how great an Error you are, who does think that Kings were Created by People and Nations not for Justice, but for pleasure, and does think there can be no Honour, where Wealth and Pleasures abound not; wherein consider how much you diminish their Grandeur. Now that you may the more easily understand it; compare any one King of those you have seen apparelled like a Childs puppet brought forth with a great deal of Pride and a great many attendants, meerly for vain ostentation, the representation whereof you miss in that King whom we describe. Compare, I say, some one of those, who were famous of old, whose memory doth even yet live, flourisheth and is renowned to all Posterity. Indeed they were such as I have now been describing. Have you never heard what an old woman petitioning *Philip* King of *Macedon* to hear her Cause, answered him, he having said to her, he had no leasure, to which she replied, then cease, (said she) to be King? have you never heard, (I say) that a King victorious in so many Battles, and Conqueror of so many Nations, admonished to do his duty by a Poor old wife, obeyed, and acknowledged that it was the duty of Kings so to do? Compare then this *Philip* not only with the greatest Kings that are now in *Europe*, but also with all that can be remembred of old, you shall surely find none of them comparable to those either for Prudence, Fortitude, or activity; few equal to them for largeness of Dominions. If I should enumerate *Agesilaus*, *Leonidas*, and the rest of the *Lacedemonian* Kings (O how great Men were they) I shall seem to utter but obsolete Examples. Yet one saying of a *Lacedemonian* Maid I cannot pass over with silence, her Name was *Gorgo* the Daughter of *Cleomedes*, she seeing a Servant pulling off the Stockings of an *Asian Ghuest*, and running to her Father cry'd out, Father, the Ghuest hath no Hands; from which Speech of that Maid you may easily judge of the *Lacedemonian* discipline and domestick Custom of their Kings. Now those who proceeded out of this rustick, but couragious way of life, did very great things: but those who were bred in the *Asiatick* way, lost by their luxury and sloth the great dominions given their Ancestors. And, that I may lay aside the Ancients. Such a one was *Pelagius* not long ago among the People of *Galicia*, who was the first that weakned the *Saracen* forces in *Spain*, yet him and all his the Grave did include, yet of him the *Spanish* Kings are not ashamed, accounting it their greatest glory to be descended of him. But seeing this place doth call for a more large discourse, let us return from whence we have digressed

greſſed. For I deſire to ſhew you with the firſt that I promiſed, namely that this form of Government hath not been contrived by me, but ſeems to have been the ſame to the moſt famous men in all Ages, and I ſhall ſhew briefly you the ſpring from whence I have drawn theſe things. The Books of *M. Tullius Cicero* which are intitled of *Offices* are by common conſent of all accounted moſt praiſe worthy, in the ſecond Book thereof theſe words are ſet down *verbatim*, it ſeems as *Herodotus* ſaith that of old, well bred Kings were created, not amongſt the *Medes* only, but alſo amongſt our Anceſtors for executing of Juſtice, for whilſt at firſt the People were oppreſſed by thoſe that had greateſt wealth, they betook themſelves to ſome one who was eminent for vertue, who whilſt he kept off the weakeſt from injuries, eſtabliſhing equity, he hemmed in the higheſt with the loweſt by equal Laws to both. And the reaſon of making Laws was the ſame as of the Creation of Kings, for it is requiſite that juſtice be always equal, for otherwiſe it were not juſtice. If this they did obtain from one good and juſt Man, they were therewith well pleaſed, when they did not occur, Laws were made, which by one and the ſame voice might ſpeak to all alike. This then indeed is evident, that thoſe were uſually choſen to govern, of whoſe juſtice the People had a great opinion. Now this was added, that theſe Rulers or Kings might be accounted prudent, there was nothing that Men thought they could not obtain from ſuch Rulers. I think, you ſee from theſe words, what *Cicero* judgeth to be the reaſon of requiring both Kings and Laws. I might here commend *Zenophon* a witneſs requiring the ſame, no leſs famous in War-like affairs, than in the ſtudy of Phyloſopy, but that I know you are ſo well acquainted with his Writings, as that you have all his ſentences marked. I paſs at preſent *Plato* and *Ariſtotle*, albeit I am not ignorant how much you have them in eſtimation. For I had rather adduce for confirmation Men famous in a middle degree of affairs, than out of Schools. Far leſs do I think fit to produce a Stoick King, ſuch as by *Seneca* in *Thyeſtes* is deſcribed: Not ſo much becauſe that Idea of a King is not perfect, as becauſe that Examples of a good Prince may be rather impreſſed in the Mind, than at any time hoped for. But leſt in thoſe I have produced there might be any ground of calumny, I have not ſet before you Kings out of the *Scythian* ſolitude, who did either ungird their own Horſes, or did other ſervile work, which might be very far from our manner of living: but even out of *Greece*, and ſuch, who in theſe very times, wherein the *Grecians* did moſt flouriſh in all liberal Sciences, did rule the greateſt Nations, or well governed Cities; and did ſo rule, that whilſt they were alive were in very great eſteem amongſt their People, and being dead left to Poſterity a famous

memory of themſelves. *M.* If now you ask me what my judgment is, I ſcarce dare confeſs to you either mine inconſtancy or timidity, or by what other name it ſhall pleaſe you to call that vice. For as often as I read theſe things you have now recited in the moſt famous Hiſtorians, or hear the ſame commended by very wiſe Men, whoſe Authority I dare not decline: and that they are approved by all good and honeſt Men to be not only true, equitable and ſincere, but alſo ſeem ſtrong and ſplendid. Again as oft as I caſt mine Eyes on the neatneſs and elegancy of our times, that antiquity ſeemeth to have been venerable and ſober, but yet rude, and not ſufficiently poliſhed, but of theſe things we may perhaps ſpeak of hereafter at more leaſure. Now if it pleaſe you, go on to proſecute what you have begun. *B.* May it pleaſe you then that we recollect briefly what hath been ſaid? ſo ſhall we underſtand beſt what is paſt, and if ought be raſhly granted, we ſhall very ſoon retract it. *M.* Yes indeed. *B.* Firſt of all then we agree, that Men by nature are made to live in ſociety together, and for a communion of life. *M.* That is agreed upon. *B.* That a King alſo choſen to maintain that ſociety is a Man eminent in Vertue. *M.* It is ſo. *B.* And as the diſcords of Men amongſt themſelves brought in the neceſſity of creating a King, ſo the Injuries of *Kings* done againſt their Subjects were the cauſe of deſiring Laws. *M.* I acknowledg that. *B.* We held Laws to be a Proof of the Art of Government, even as the Precepts of Phyſitians are of the Medicinal Art. *M.* It is ſo. *B.* But it ſeems to be more ſafe (becauſe in neither of the two have we ſet down any ſingular and exact Skill of their ſeveral Arts) that both do, as ſpeedily as may be, heal by theſe Preſcripts of Art. *M.* It is indeed ſafeſt. *B.* Now the Precepts of the Medicinal Art are not of one kind. *M.* How? *B.* For ſome of them are for preſervation of health, others for reſtoration thereof. *M.* Very right. *B.* What ſay you of the governing Art? *M.* I think there be as many kinds. *B.* Next then it ſeems, that we conſider it. Do you think, that Phyſitians can ſo exactly have Skill of all diſeaſes and of their remedies, as nothing more can be required for their cure? *M.* Not at all, for many new kinds of Diſeaſes ariſe almoſt in every Age, and new remedies for each of them, almoſt every year are by Men's Induſtry found out, or brought from far Countries. *B.* What think you of the Laws of Commonwealths. *M.* Surely their caſe ſeems to be the ſame. *B.* Therefore neither Phyſitians, nor *Kings* can evite or cure all Diſeaſes of Common-wealths, by the Precepts of their Arts, which are delivered to them in Writ. *M.* I think indeed they cannot. *B.* What if we ſhall farther try of what things Laws may be eſtabliſhed in Commonwealths, and what cannot be comprehended within Laws. *M.* That will be worth

worth our pains. *B.* There ſeems to be very many and weighty things, which cannot be contained within Laws. Firſt, all ſuch things, as fall into the deliberation of the time to come. *M.* All indeed. *B.* next, many things already paſt, ſuch are theſe wherein truth is ſought by conjectures, confirmed by Witneſſes, or extorted by Torments. *M.* Yes indeed. *B.* In unfolding then theſe Queſtions, what ſhall the King do? *M.* I ſee here there is no need of a long diſcourſe, ſeeing Kings do not ſo arrogate the Supream Power in thoſe things which are inſtituted with reſpect to the time to come, that of their own accord they call to Council ſome of the moſt prudent. *B.* What ſay you of thoſe things which by conjectures are found out, and made out by Witneſſes, ſuch as are the Crimes of Murther, Adultery and Witchcraft? *M.* Theſe are examined by the skill of Lawyers, diſcovered by diligence, and theſe I find to be for the moſt part left to the judgment of Judges. *B.* And perhaps very right; for if a King would needs be at the private cauſes of each Subject, when ſhall he have time to think upon Peace and War, and thoſe affairs which maintain and preſerve the ſafety of the Common-wealth? And laſtly when ſhall he get leave to reſt? *M.* neither would I have the cognition of every thing to be brought unto a King, neither can one man be ſufficient for all the cauſes of all men, if they be brought unto him: that Council no leſs wiſe than neceſſary doth pleaſe me exceeding well, which the Father in Law of *Moſes* gave him in dividing amongſt many the Burden of hearing Cauſes, whereof I ſhall not ſpeak much, ſeeing the Hiſtory is known to all. *B.* But I think, theſe Judges muſt Judg according to Law. *M.* They muſt indeed do ſo. But as I conceive, there be but few things, which by Laws may be provided againſt, in reſpect of thoſe which cannot be provided againſt.

B. There is another thing of no leſs difficulty, becauſe all theſe things which call for Laws, cannot be comprehended by certain preſcriptions. *M.* How ſo: *B.* Lawyers, who attribute very much to their own Art, and who would be accounted the Prieſts of Juſtice, do confeſs that there is ſo great a multitude of affairs, that it may ſeem almoſt infinite, and ſay that daily ariſe new crimes in Cities, as it were ſeveral kinds of Ulcers, what ſhall a Law-giver do herein, who doth accommodate Laws both to things preſent and preterite? *M.* Not much, unleſs he be ſome Divine-like Perſon. *B.* Another difficulty doth alſo Occur, and that not a ſmall one, that in ſo great an Inconſtancy of humane Frailty, no Art can almoſt preſcribe any thing altogether ſtable and firm. *M.* There is nothing more true than that. *B.* It ſeemeth then moſt ſafe to truſt a skilful Phyſician in the Health of the Patient, and alſo the King in the State of the Com-

mon-wealth. For a Phyſitian without the rule of Art will oftentimes Cure a weak Patient, either by conſenting thereto, or againſt his will: And a King doth either perſwade a new Law uſeful to his Subjects, or elſe may impoſe it againſt their will. *M.* I do not ſee what may hinder him therein. *B.* Now ſeeing both the one and the other do theſe things, do you think that beſides the Law, either of them makes his own Law? *M.* It ſeems that both doth it by Art. For we have before concluded not that to be Art which conſiſts of precepts, but Vertue contained in the mind, which the Artiſt uſually makes uſe of in handling the matter which is ſubject to Arts. Now I am glad (ſeeing you ſpeak ingenuouſly) that you being conſtrained, as it were, by an interdiction of the very truth, do ſo far reſtore the King from whence he was by force dejected. *B.* Stay, you have not yet heard all. There is another inconvenience in the Authority of Laws. For the Law being as it were a pertinacious, and a certain rude Exactor of duty, thinks nothing right, but what it ſelf doth command. But with a King, there is an excuſe of Infirmity and Temerity, and place of Pardon left for one found in an Error. The Law is Deaf, Cruel and Inexorable. A Young man Pleads the frailty of his Years, a Woman the infirmity of Her Sex, another his Poverty, Drunkenneſs, Affection. What ſaith the Law to theſe excuſes? Go Officer or Serjeant, convene a Band of Men, Hoodwink him, Scourge him, Hang him on a Tree. Now you know how dangerous a thing it is, in ſo great a Humane frailty, to have the hope of Safety placed in Innocency alone. *M.* In very Truth you tell me a thing full of Hazard. *B.* Surely as oft as theſe things come into mind, I perceive ſome not a little troubled. *M.* You ſpeak true. *B.* When therefore I ponder with my ſelf what is before paſt as granted, I am afraid leſt the compariſon of a Phyſitian and of a King in this caſe ſeem not pertinently enough introduced. *M.* In what caſe? *B.* When we have liberated both of the ſervitude of precepts, and given them almoſt a free liberty of Curing. *M.* What doth herein eſpecially offend you? *B.* When you hear it, you will then judge. Two cauſes are by us ſet down, why it is not expedient for a People that Kings be looſed from the bonds of Laws, namely, love and hatred, which drive the minds of Men to and fro in judging. But in a Phyſitian it is not to be feared, leſt he fail through love, ſeeing he expecteth a reward from his Patient being reſtored to Health. But if a Patient underſtand that his Phyſitian is ſolicited by Intreaties, Promiſes and Mony againſt his Life, he may call another Phyſitian, or if he can find none other, I think it is more ſafe to ſeek ſome remedy from Books how Deaf ſoever, than from a corrupt Phyſitian. Now becauſe we

we have complained of the Cruelty of Laws, look if we underſtand one another ſufficiently. *M.* How ſo? *B.* We judged an excellent King, ſuch as we may more ſee in mind, than with Bodily Eyes, not to be bound by any Laws. *M.* By none. *B.* Wherefore? *M.* I think, becauſe, according to *Paul*, he ſhould be a Law to himſelf and to others, that he may expreſs in life what is by Law enjoyned. *B.* You judge rightly; and that you may perhaps the more admire, ſeveral Ages before *Paul*, *Ariſtotle* did ſee the ſame, following Nature as a Leader, which therefore I ſay, that you may ſee the more clearly what hath been proved before, to wit, that the Voice of God and Nature is the ſame. But that we may proſecute our purpoſe. What ſhall we ſay they had a reſpect unto, who firſt made Laws? *M.* Equity I think, as hath been ſaid before. *B.* I do not now demand that, what end they had before them, but rather what pattern they propoſed to themſelves? *M.* Albeit perhaps I underſtand that, yet I would have you to explain it, that you may confirm my judgment, if I rightly take it up, if not, you may amend my Error. *B.* You know, I think, what the dominion is of the mind over the Body. *M.* I ſeem to know it. *B.* You know this alſo, what ever we do not raſhly, that there is a certain *Idea* thereof firſt in our minds, and that it is a great deal more perfect than the works to be done, which according to that Pattern the chiefeſt Artiſts, do frame, and as it were expreſs. *M.* That indeed I find by experience both in ſpeaking and writing, and perceive no leſs words in my mind, than my mind in things wanting. For neither can our mind, ſhut up in this dark and troubled Priſon of the Body, perceive the ſubtilty of all things; nor can we ſo endure in our mind the repreſentation of things however foreſeen in diſcourſe with others, ſo as they are not much inferiour to theſe which our intellect hath formed to it ſelf. *B.* What ſhall we ſay then which they ſet before them, who made Laws? *M.* I ſeem almoſt to underſtand what you would be at. Namely, that they in Council had an *Idea* of that perfect King, and that they did expreſs a certain Image, not of the Body but of the mind, according to that foreſaid *Idea*, as near as they could. And would have that to be inſtead of Laws which he is to think might be good and equitable. *M.* You rightly underſtand it. For that is the very thing I would ſay. But now I would have you to conſider what manner of King that is which we have conſtitute at firſt, was he not one firm and ſtedfaſt againſt Hatred, Love, Wrath, Envy, and other perturbations of the mind? *M.* We did indeed imagine him to be ſuch a one: Or believed him to have been ſuch to thoſe Ancients. *B.* But do Laws ſeem to have been made according to the *Idea* of him? *M.* Nothing

thing more likely. *B.* A good King then is no leſs ſevere and inexorable, than a good Law. *M.* He is even as ſevere : But ſince I can change neither, or ought to deſire it, yet I would ſlacken both ſomewhat, if I can. *B.* But God deſires not that mercy be ſhewed even to the Poor in judgment, but commandeth us to reſpect that one thing which is Juſt and Equal, and to pronounce Sentence accordingly. *M.* I do acknowledge that, and by truth am overcome. Seeing therefore it is not lawful to looſe Kings from the Bonds of Laws, who ſhall then be the Law-giver ? Whom ſhall we give him as a Pedagogue ? *B.* whom do you think fitteſt to perform this duty ? *M.* If you ask at me. I think the King himſelf. For in all other Arts almoſt we ſee their precepts are given by the Artiſts; whereof they make uſe, as it were of comments, for confirming their Memory, and putting others in mind of their duty. *B.* On the contrary I ſee no difference : Let us grant that a King is at liberty and ſolved from the Laws, ſhall we grant him the Power to command Laws ? For no Man will willingly lay Bonds and Fetters upon himſelf. And I know not whether it be better to leave a Man without Bonds, or to Fetter him with ſlight Bonds, becauſe he may rid himſelf thereof when he pleaſes. *M.* But when you concredit the Helm of Government rather to Laws than to Kings, beware I pray you, leſt you make him a Tyrant, whom by name you make a King, who with Authority doth oppreſs and with Fetters and Impriſonment doth bind, and ſo let him be ſent back to the Plough again, or to his former condition, yet free of Fetters. *B.* Brave words : I impoſe no Lord over him, but I would have it in the Peoples Power, who gave him the Authority over themſelves, to preſcribe to him a Model of his Government, and that the King may make uſe of that Juſtice, which the People gave him over themſelves. This I crave. I would not have theſe Laws to be by force impoſed, as you interpret it, but I think that by a Common Council with the King, that ſhould be generally eſtabliſhed, which may generally tend to the good of all. *M.* You will then grant this Liberty to the People ? *B.* Even to the People indeed, unleſs perhaps you be of another mind. *M.* Nothing ſeems leſs equitable. *B.* Why ſo ? *M.* You know that ſaying, a Beaſt with many Heads. You know, I ſuppoſe, how great the temerity and inconſtancy of a People is. *B.* I did never imagine that that matter ought to be granted to the judgment of the whole People in general, but that near to our Cuſtom, a ſelect number out of all Eſtates may convene with the King in Council. And then how ſoon an overture by them is made, that it be deferred to the Peoples judgment. *M.* I underſtand well enough your advice. But by this ſo careful a Caution

tion you ſeem to help your ſelf nothing. You will not have a King looſed from Laws, why? Becauſe, I think, within Man two moſt Cruel Monſters luſt and wrath are in a continual conflict with reaſon. Laws have been greatly deſired, which might repreſs their boldneſs, and reduce them too much inſulting, to regard a juſt Government. What will theſe Counſellors given by the People do? Are they not troubled by that ſame inteſtine conflict? Do they not conflict with the ſame evils as well as the King? The more then you adjoyn to the King as Aſſeſſors, there will be the greater number of Fools, from which you ſee what is to be expected. *B.* But I expect a far other thing than you ſuppoſe. Now I ſhall tell you why I do expect it. Firſt, it is not altogether true what you ſuppoſe, *viz.* That the Aſſembling together of a multitude is of no purpoſe, of which number there will perhaps be none of a profound wit: for not only do many ſee more and underſtand more than one of them apart, but alſo more than one, albeit he exceed their wit and prudence. For a multitude for the moſt part doth better judge of all things, than ſingle perſons apart. For every one apart have ſome particular Vertues, which being United together make up one excellent Vertue, which may be evidently ſeen in Phyſicians Pharmacies, and eſpecially in that Antidote, which they call Mithredate. For therein are many things of themſelves hurtful apart, which being compounded and mingled together make a wholeſom Remedy againſt Poyſon. In like manner in ſome Men ſlowneſs and lingring doth hurt, in others a Pricipitant Temerity, both which being mingled together in a multitude make a certain Temperament and Mediocrity, which we require to be in every kind of Vertue. *M.* Be it ſo, ſeeing you will have it ſo, let the People make Laws and Execute them; and let Kings be as it were Keepers of Regiſters. But when Laws ſeem to Claſh, or are not exact and perſpicuous enough in Sanctions, will you allow the King no intereſt or medling here, eſpecially ſince you will have him to judge all things by written Laws, there muſt needs enſue many abſurdities. And, that I may make uſe of a very common example of that Law commended in the Schools. If a Stranger ſcale a Wall, let him die. What can be more abſurd than this, that the Author of a publick ſafety (who have thruſt down the enemies preſſing hard to be up) ſhould be drawn to puniſhment, as if he had in Hoſtility attempted to ſcall the walls. *B.* That is nothing. *M.* You approve then that old ſaying, the higheſt juſtice is the higheſt injury. *B.* I do indeed. If any thing of this kind come into debate, there is need of a meek interpreter, who may not ſuffer the Laws which are made for the good of all to be calamitous to good Men, and deprehend in no Crime. *B.* You

are

are very right, neither is there any thing elſe by me ſought in all this diſpute, (if you have ſufficiently noticed it) than that Ciceronian Law might be venerable and inviolable. *Salus Populi ſuprema Lex eſto.* If then any ſuch thing ſhall come into debate, ſo that it be clear what is good and juſt, the Kings duty will be to advert that the Law may reach that Rule I ſpoke of, but you in behalf of Kings ſeem to require more, than the moſt imperious of them aſſume. For you know that theſe kind of Queſtions is uſually referred to Judges, when Law ſeemeth to require one thing, and the Law-giver another; even as theſe Laws which ariſe from an ambiguous right, or from the Diſcord of Laws amongſt themſelves. Therefore in ſuch caſes moſt grievous contentions of Advocates ariſe in Judicatories, and Orators precepts are diligently produced. *M.* I know that to be done which you ſay. But in this Caſe no leſs Wrong ſeems to be done to Laws than to Kings. For I think it better to end that Debate preſently, from the Saying of one good Man, than to grant the Power of darkning, rather than interpreting Laws to ſubtle Men, and ſometimes to crafty Knaves; for whilſt not only Contention ariſeth betwixt Advocate for the Cauſes of Parties contending, but alſo for Glory, Conteſts are nouriſhed in the mean time, Right or Wrong, Equity or Inequity is called in queſtion; and what we deny to a King, we grant to Men of inferior Rank, who ſtudy more to debate, than to find out the Truth. *B.* You ſeem to me forgetful of what we lately agreed upon. *M.* What is that? *B.* That all things are to be ſo freely granted to an excellent King, as we have deſcribed him, that there might be no need of any Laws. But whilſt this honour is conferred to one of the People, who is not much more excellent than others, or even inferior to ſome, that free and looſe Liſence from Laws is dangerous. *M.* But what ill doth that to the interpretation of Law. *B.* Very much. Perhaps you do not conſider, that in other words we reſtore to him that infinite and immoderate Power, which formerly we denied to a King, namely, that according to his own Hearts luſt he may turn all things upſide-down. *M.* If I do that, then certainly I do it imprudently. *B.* I ſhall tell you more plainly, that you may underſtand it. When you grant the interpretation of Laws to a King, you grant him ſuch a Licence, as the Law doth not tell what the Law-giver meaneth, or what is good and equal for all in general, but what may make for the Interpreters benefit, ſo that he may bend it to all actions for his own benefit or advantage, as the *Lesbian* Rule. *Ap. Claudius* in his *Decemviratus*, made a very juſt Law, that in a liberal Cauſe or Plea, ſureties ſhould be granted for liberty. What more clearly could have been ſpoken. But by interpreting the ſame

Author

Author made his own Law uſeleſs. You ſee; I ſuppoſe how much liberty you give a Prince by one caſt, namely, that what he pleaſeth the Law doth ſay, what pleaſeth him not, it doth not ſay. If we ſhall once admit this, it will be to no purpoſe to make good Laws for teaching a good Prince his duty; and hemm in an ill King. Yea let me tell you more plainly, it would be better to have no Laws at all, than that freedom to ſteal ſhould be tolerate, and alſo honoured under pretext of Law. *M.* Do you think that any King will be ſo impudent, that he will not at all have any regard of the fame and opinion that all Men have of him? Or that he will be ſo forgetful of his Subjects, that he will degenerate into their Pravity, whom he hath reſtrained by ignominy, impriſonment, confiſcation of Goods, and in a word with very grievous puniſhments? *B.* Let us not believe that theſe things will be, if they had not been done long ago, and that to the exceeding great hurt of the whole World. *M.* Where do you tell theſe things were done? *B.* Do you ask, where? As if all the Nations in Europe did not only ſee, but feel alſo how much miſchief hath the immoderate Power, and unbridled Tyranny of the *Pope* of *Rome* brought upon human Affairs. Even that Power which from ſmall beginning and ſeemingly honeſt he had got, every Man doth know that no leſs can be feared by unwary Perſons. At firſt, Laws were propoſed to us, not only drawn out of the innermoſt ſecrets of Nature, but given by God himſelf, explained by the Prophets from the holy Spirit, at laſt by the Son of God, and by the ſame God confirmed, committed to the writings of thoſe praiſe worthy men, expreſſed in their Life, and ſealed with their Blood. Neither is there in the whole Law any other place more carefully, commendably, or more clearly delivered, than that of the Office of Biſhops. Now ſeeing it is lawful to no man to add any thing to theſe Laws, to abrogate or derogate ought therefrom, or to change any thing therein, there did remain but one interpretation, and whilſt the Pope did arrogate it, he not only did oppreſs the reſt of the Churches, but claimed a Tyranny the moſt cruel of all that ever were, daring to command not only Men but Angels alſo, plainly reducing Chriſt into order, if this be not to reduce him into order, that what thou wilt have done in Heaven, in Earth and amongſt the damned in Hell, be ratified: what Chriſt hath commanded, let it be ratified, if thou wilt; for if the Law ſeem to make but little for your behoof, interpreting it thus you may back bend it, ſo that not only by your Mouth, but alſo according to the judgment of your Mind Chriſt is conſtrained to ſpeak. Chriſt therefore ſpeaking by the Mouth of the Pope, *Pipin* is ſet in *Childericks* place of Government, *Ferdinandus* of *Arra-*

gon ſubſtitute to *John* King of *Navare*: the Son aroſe in Arms againſt his Father, and Subjects againſt their King. Chriſt is full of Poyſon, then he is forced by Witches, ſo that he killeth *Henry* of *Luxemburg* by Poyſon. *M.* I have heard theſe things often before, but I deſire to hear more plainly ſomewhat of that interpretation of Laws. *B.* I ſhall offer you one Example, from which you may eaſily underſtand, how much this whole kind is able to do. The Law is, a Biſhop muſt be the Husband of one Wife, than which Law what is more clear, and what may be ſaid more plain? One Wife, (ſaith the Law) one Church, (ſaith the Pope) ſuch is his interpretation. As if that Law were made not to repreſs the Luſts of Biſhops but their Avarice. Now this Explanation, albeit it ſaith nothing to the purpoſe, yet doth contain a judgment honeſt and pious, if he had not vitiated that Law again by another interpretation. What doth therefore the Pope deviſe for excuſe? It varieth (ſaith he) in regard of perſons, caſes, places and times. Some are of that eminent diſpoſition, that no number of Churches can ſatisfie their Pride. Some Churches again are ſo poor, that they cannot maintain him who was lately a begging Monk, if he have now a Mitre, if he would maintain the name of a Biſhop. There is a reaſon invented from that crafty interpretation of the Law, that they may be called Biſhops of one Church, or other Churches given them in *Commendam*, and all may be robbed. Time would fail me, if I ſhould reckon up the cheats, which are dayly excogitate againſt one Law. But albeit theſe things be moſt unbeſeeming as well the name of a Pope, as of a Chriſtian, yet their Tyranny reſts not here. For ſuch is the nature of all things, that when they once begin to fall, they never ſtay until they fall headlong into deſtruction. Will you have me to ſhew you this by a famous Example? Do you not remember upon any of the *Roman* Emperors blood who was more cruel and wicked than *C. Caligula*? *M.* There was none that I know of. *B.* Now what was his moſt nefarious villany think you? I do not ſpeak of thoſe deeds which Popes do reckon up in ſome reſerved caſes, but in the reſt of his life. *M.* I do not at preſent remember. *B.* What do you think of that, that having called upon his Horſe, he invited him to ſup with him? Set a golden grain of Barley before him, and made him Conſul? *M.* Indeed it was moſt impiouſly done. *B.* What think you of that, how he made the ſame Horſe his Colleague in the Prieſthood? *M.* Do you tell me that in good earneſt? *B.* Indeed in good earneſt, nor do I admire that theſe things ſeem to you feigned. But that *Roman Jupiter* of ours hath done ſuch things, that thoſe things done by *Caligula* may ſeem true to Poſterity. I ſay Pope *Julius* the third, who ſeems contending with *C. Caligula*

liguta a moſt wicked wretch for prehemincy of impiety. *M.* What did he of that Kind? *B.* He made his Ape-keeper, a Man almoſt more vile than the vileſt Beaſt, his Colleague in the Papary. *M.* Perhaps there was another cauſe of chooſing him. *B.* Some are reported indeed, but I have picked out the moſt honeſt. Seeing then ſo great a contempt not only of the Prieſthood, but alſo a forgetfulneſs of humanity ariſe from this freedom of interpreting Laws, beware you think that to be a ſmall Power. *M.* But the Antients ſeem not to have thought it ſo great a buſineſs of interpreting, as you would have it ſeem to be. Which by by this one argument may be underſtood, becauſe the *Roman* Emperours granted it to Lawyers: which one reaſon doth overturn your whole tedious diſpute, nor doth it only refute what you ſpoke of the greatneſs of that Power, but alſo that which you moſt ſhun, it perſpicuouſly declareth, what Power they granted to others of anſwering rightly, was not denied to themſelves, if they had been pleaſed to exerce that office, or could have done it by reaſon of greater affairs. *B.* As for thoſe *Roman* Emperours, whom the Soldiers did chooſe indeliberately, and without any regard to the common good of all. Theſe fall not under this notion of Kings which we have deſcribed, ſo that by thoſe that were moſt wicked were they chooſen who for the moſt part were moſt wicked, or elſe laid hold upon the Government by violence. Now I do not reprehend them for granting Power to Lawyers to interpret the Law. And albeit that Power be very great, as I have ſaid before, it is notwithſtanding more ſafely concredited to them to whom it cannot be an inſtrument of Tyranny. Moreover it was concredited to many whom mutual reverence did hold within the bounds of duty, that if one decline from equity, he might be refuted by another. And if they ſhould have all agreed together into fraud, the help of the Judge was above them, who was not obliged to hold for Law what ever was given by Lawyers for an Anſwer. And over all was the Emperour, who might puniſh the breach of Laws. They being aſtricted by ſo many Bonds were hemmed in, and did fear a more grievous puniſhment, than any reward of fraud they could expect: you ſee, I ſuppoſe then that the danger to be feared from ſuch kind of Men was not ſo great. *M.* Have you no more to ſay of a King? *B.* Firſt, if you pleaſe, let us collect together, what is already ſpoken, ſo that the more eaſily we may underſtand, if any thing be omitted. *M.* I think we ſhould do ſo. *B.* We ſeemed to be at accord ſufficiently concerning the origine and cauſe of creating Kings, and making Laws, but of the Lawgiver not ſo: but at laſt, though ſomewhat unwillingly, I ſeem'd to have conſented, being enforced by the ſtrength of

Truth. *M.* Certainly you have not only taken from a King the Power of commanding Laws, but alſo of interpreting them, even whilſt I as an Advocate ſtrongly proteſted againſt it. Wherein I am afraid, if the Matter come to publick hearing, leſt I be accuſed of Prevarication, for having ſo eaſily ſuffered a good Cauſe, as it ſeemed at firſt, to be wrung out of my Hands. *B.* Be of good Courage, for if any accuſe you of Prevarication in this Caſe, I promiſe to be your Defence. *M.* Perhaps we will find that ſhortly. *B.* There ſeems to be many kinds of Affairs which can be comprehended within no Laws, whereof we laid over a part on ordinary Judges, and a part on the Kings Council by the Kings Conſent. *M.* I do remember we did ſo indeed. And when you was doing that, wot you what came into my Mind? *B.* How can I, unleſs you tell me? *M.* Methought you made Kings in a manner like Stone Seals, which for the moſt part ſo ſeem to lean on the Tops of Pillars, as if they did ſuſtain the whole Fabrick: whereas in effect they bear no more Burthen than any other Stone. *B.* What! good Advocate of Kings, do you complain that I lay on them a little Burthen, ſeeing both Day and Night they do nothing elſe than ſeek out others to bear Burthen with them, or upon whom they may altogether lay the Burthen, and ſo disburden themſelves. And in the mean time you ſeem to take it in ill part, that I afford them Help, labouring under their Burthen. *M.* I alſo very willingly admit theſe Auxiliaries, but ſuch would I have as may ſerve, but not command, ſuch as may ſhew the way, but not lead in the way, or more truly draw or ruſh them forward as ſome warlike Engine, and leave a King no other Power but to aſſent to them. Therefore I preſently expect, that having ended our Diſcourſe concerning a King, you would ſtep aſide to ſpeak of Tyrants, or ſome where-elſe. For you have incloſed a King within ſo narrow Bounds, that I am afraid, leſt, if we tarry longer therein, you drive him out of his greateſt Wealth and higheſt Dignity, and baniſh him as it were into ſome deſert Iſland, where being ſpoiled of all his Honours, he wax old in Poverty and Miſery. *B.* You feared, as you pretend, the Crime of Prevarication; but I am afraid, leſt in calumniating you wrong the King, whom you endeavour to defend. Firſt, I would not have him to be idle, unleſs you would appoint idle Maſter-builders: Secondly, you deprive him of good Miniſters and Friends, whom I have adjoyned unto him, not as Keepers, but would have them called by him to bear a part of his Labour, and theſe being driven away, you ſurround him with a Band of Knaves, who make him to be feared by his Subjects, neither do you think he will

will be formidable, unleſs we allow him a great Power of doing Wrong. I would have him to be by his Subjects beloved, not to be guarded by the Terror, but good Will of his Subjects, which Arms alone do make Kings Invincible, unleſs you gainſay this, I truſt I ſhall ſhortly prove it. For I ſhall lead him out of theſe you call Straits into Light; and by one Law ſhall give him ſo much Authority and Enlargement, that if he deſires more, he may ſeem impudent. *M.* Indeed I long to hear that. *B.* I ſhall then fall upon that Matter, that I may ſatiſfie your Deſire as ſoon as I can. A little before we have confeſſed, that no Law can be ſo accurately cautioned concerning any Affair, but that malicious Subtlety may invent ſome Fraud. This perhaps will be the better underſtood by the Example already propoſed. By the Law, it is ordained, that no Parents tranſmit their Benefices to their Baſtards. Here in effect the Law ſeems clear, yet a Cheat is found out; that the Father ſubſtitutes ſome other Man, and that he may deliver that ſame Benefice to the Baſtard of the former Poſſeſſor. Thereafter, when as it was carefully ordained by Law, that the Son ſhould by no means enjoy that Benefice which his Father had poſſeſſed before: yet by this Caution it was never a whit the better. For againſt that Law a Paction was found out among Prieſts, that each of them ſhould ſubſtitute the Son of the other in his Office. And when that was alſo forbidden, the Law was alſo eluded by another kind of Cheat: a pretender was ſet up againſt the Father, who might pretend he had a Right to that Benefice. Whilſt the Father ſeemingly is a contending with this ſuppoſed Sycophant, the Son doth petition the Pope for the Benefice, if ſo be that the Right unto that Benefice belong not to either of the Parties contending for it, and ſo the Son, by his Fathers Prevarication, doth enjoy his Fathers Benefice, and overcometh both the Parties, who willingly and freely yield up their Plea. Thus you ſee how many kinds of Cheats are invented againſt one Law. *M.* I ſee it. *B.* Do not Lawgivers ſeem to do altogether the ſame herein which Phyſicians do, who whilſt they endeavour, by applying a Plaiſter to compeſce the Eruptions of Flegm, or of ſome other hurtful Humor, the Humor reſtrained in one place, ſeeks Iſſue in many places at once; and as a certain Hydra having one Head cut off, many Heads ſtart up in place of one. *M.* Nothing more like. *B.* What was incumbent for a Phyſitian to do at firſt, for freeing the whole Body at once of peccant Humors, ought not the Politick Phyſitian do the ſame in this Caſe, for freeing the whole Common-wealth of evil Manners? *M.* I think that to be the right way of Cure, albeit it be difficult. *B.* And if this can be obtained,

ed, I think there would be need of few Laws. *M.* It is indeed ſo. *B.* Doth not he alone ſeem to confer more for the Publick Good, who can apply this Remedy, than all the Conventions of all Eſtates met for making of Laws? *M.* Doubtleſs far more. But that I may make uſe of the Comick Poets Words, Who is able to undertake ſo weighty a Charge? *B.* What if we ſhall lay it over on the King? *M.* Merrily ſpoken indeed. What was ſoon done and eaſie, you have committed to the whole People; but if any thing be difficult and intricate, you will lay it over upon the King alone, as if you thought him not ſufficiently bound, tying him round about with ſo many Fetters, unleſs you lay upon him a moſt grievous Burthen, under which he may alſo ſuccumb. *B.* It is not ſo, but we contend for a Buſineſs eaſie for him to be done; we beſeech, he would ſuffer himſelf to be exorable. *M.* What is that, I pray? *B.* That as Fathers ought to carry towards their Children, ſo in all his Life he would behave himſelf towards his Subjects, whom he ought to account as Children. *M.* What is that to the purpoſe in hand? *B.* Surely this one is certainly the chiefeſt Remedy againſt corrupt Manners, and leſt you ſuppoſe that it is an Invention of mine, here what *Claudianus* ſaith. Thou King, muſt as a Father Rule thy Subjects, and no leſs have a care of all than of thy ſelf; let not thy own Deſire only move thee, but alſo the Publick Deſires of thy People. If thou commandeſt, ought to be done by all, and to be obeyed, obey the ſame firſt thy ſelf. Then will the People become the more obſervant of Equity; nor will refuſe to bear any Burthen, when they ſee their King himſelf obedient to what he commands. The whole World doth act conform to the Example of a King. The Laws of Kings prevail not ſo much to incline Mens Minds unto Obedience, as the Converſation of the Rulers. For the fluctuating Multitude doth always change as their Prince doth. Do not Imagine that the Poet pregnant for underſtanding and learning did in vain believe ſo great force to be herein, for People are ſo addicted to the imitation of Kings, in whom any Image of Honeſty doth ſhine or appear, and ſo endeavour to expreſs their manners, that whoſe Vertue they admire, they endeavour alſo to imitate ſome of their Vices in Speech, Apparel in deport. But in conforming themſelves to the King in geſture, manners of Speech they not only deſire to imitate him, but alſo by flattery they inſinuate themſelves into the minds of great ones, and by theſe Arts they hunt after Riches, Honour and Preferment, becauſe they know we have it by Nature, that we Love not only our ſelves, and our own concerns, but embrace our own likeneſs though vicious in others. Now that which we demand not Wickedly and Arrogantly,

gantly, but by Entreaty endeavour to obtain, hath a far greater force than the Threatnings of Laws, the Oſtentation of Puniſhments, or Armies of Souldiers. This reduceth a People without force into Modeſty, conciliateth to a King his Subjects good Liking, increaſeth and maintaineth the publick Tranquility, and the Wealth of every one ſeverally. Let therefore a King carefully conſider, that he is ſet on the Theatre of the World, and for a Spectacle propoſed to all, ſo as no Word or Deed of his can be concealed. The Vices of Kings can never be kept ſecret. For the Supream Light of Fate ſuffers nothing to lye hid in Obſcurity, and Fame enters into all ſecret Places, and finds out obſcure Corners. O how much doth it concern Kings to be circumſpect on all hands, ſeeing neither their Vices nor their Vertues can be concealed, nor yet without a great univerſal Change of Affairs. But if any do yet doubt, what great Importance there is in the Converſation of a Prince, for the Emendation of the publick Diſcipline, let him take but a View of the ſmall beginning of the State of *Rome*. That rude People conſiſting of Shepherds and Country Inhabitants, I ſhall not ſay worſe, naturally fierce, having got a very couragious King, and having pitched once their Tents, for ſoliciting the Peace of the Neighbouring Nations, and provoking them to fight, how much do you think of Hatred and Fear was bred in their Neighbours? When again that very ſame People had ſet over them a pious and juſt King, they were ſo ſuddenly changed, that being wholly devoted to the Worſhip of their Gods, and to Acts of Juſtice, that to wrong them their Neighbours judged it a Crime, even thoſe very Neighbours, I ſay, whoſe Lands before they had laid waſte, whoſe Cities they had burnt, and their Children and Kinſmen they had carried away into Bondage. Now if in that Barbarity of Manners, and Rudeneſs of Times, *Numa Pompilius* (who a little before was brought out of another Nation at Enmity with them, and made King) could do ſo much: what ſhall we expect, or rather, what ſhall we not expect of thoſe Princes, who being ſupported by Affinity, Vaſſals, and much Wealth left them by their Anceſtors, obtain the Government? And are born and brought up in expectation thereof. Now how much ſhould it ſtir up their Minds unto Vertue, that they hope to have the Praiſe not of one Day, as Stage-players do, the Scene being once paſt, but the good Will, Admiration, and perpetual Remembrance of their Life to all Poſterity, and know that Honours in Heaven are prepared for them? I wiſh I could expreſs in Words the Repreſentation of that Honour, which in mind I have conceived. Now that I may ſomewhat propoſe unto your View the ſame by ſome of the firſt Draughts

and

and Lineaments thereof, conſider with your ſelf, how the braſen Serpent erected by *Moſes* in the Deſert of *Arabia*, did heal the Wounds made by other Serpents, by a very Look of the People thereon. Imagine that out of the whole People there were ſome ſtung by Serpents, and running together for preſent Cure, others Aſtoniſhed at the newneſs of the Miracle, and all Celebrating with all kind of Praiſe the immenſe and incredible Goodneſs of God: when they perceive that the Pain of that deadly Wound was not taken away, either by Medicaments, with the Torment of the Patient, by the Phyſicians Labour, and aſſiduous Carefulneſs of Friends, nor by any long ſpace of time, but reduced unto Health in a moment. Compare now a King with that Serpent, and ſo compare him, that you may reckon a good King amongſt the greateſt Benefits of God, who alone, without any Expence of thine, and without thy Pains and Labour, doth relieve a Kingdom of all its Troubles, ſetleth Perturbations, and in a ſhort ſpace bringeth the Inveterate Ulcers of Minds unto a Cicatrice or Scar; neither is he only a Procurer of Health to thoſe who behold him near at hand, but alſo to ſuch as are a far off, and have no hope to ſee him, in whoſe Image ſo great a Force is preſented to the Minds of his Subjects, that it doth eaſily perform what the Prudence of Lawyers, the Science of Philoſophers, and the Experience of ſo many Ages, in collecting their ſeveral Arts, could never perform. Now that great Honour, Dignity, Eminency or Majeſty can be told or excogitate to be in any Man, that by Speech, Converſe, Sight, Fame and a tacite Species preſented to the Mind, he may reduce the moſt Luxurious to Modeſty, the Violent to Equity, and thoſe that are Furious unto a right Mind. Can you ask of God a greater Benefit than this, ſo much for the Good of Mans Concerns? If I miſtake not, this is the true Repreſentation of a King, not that of a King guarded with Weapons of War, ever fearing others, or making others afraid, by his Hatred towards his People, meaſuring his Peoples Hatred againſt him. This Repreſentation which we have gived, *Seneca* in his *Thyeſtes* hath expreſſed in very pleaſant Colours, which Verſe I doubt not but you know, ſeeing it is moſt elegant. Do I now ſeem to ſpeak baſely and contemptuouſly of a King, and bind him faſt loaded with the Fetters of Laws within a Goal, as you did lately ſay? And not rather to bring him forth into Light and Aſſemblies of Men, and ſet him upon the publick Theatre of Mankind? Accompanied not with the arrogant Company of Archers and Armed Men, and Rogues cloathed in Silk, but guarded in Safety by his own Innocency, not with the Terrour of Arms, but by the Love of his People: and not only at Freedom and ſet aloft, but honour-

honoured, venerable, ſacred and eminent, and coming forth with the good Wiſhes and fortunate Acclamations of the People, and whitherſoever he goeth, turning the Faces, Eyes and Hearts of all towards him. What Acclamation, or what Triumph can be compared with this daily Pomp? Or if God in humane likeneſs ſhould come down into Earth, what greater Honour could be given him by Men, than that which would be given to a true King, that is to the lively Image of God? For neither can Love beſtow, nor Flattery invent a greater Honour than this. What do you think of this repreſentation of a King?

M. So ſplendid and magnificent indeed it is, that it ſeems nothing can be ſaid or imagined more magnificent. But in theſe corrupt times of ours, it is hard to find this magnanimity, unleſs careful Education make an honeſt and good Nature and Diſpoſition. For the mind being principled with good inſtructions and Acts from Infancy, and by Age and daily Practice confirmed, endeavours by Vertue to attain to true Glory, in vain it is tempted by the allurements of Luſts, or weakned by the impreſſions of Adverſity. For thus Learning doth perfect natural Parts, and good Breeding doth ſtrengthen the mind: So that it findeth occaſion of exerciſing Vertue amongſt the very Recreations of Pleaſures, and theſe things which uſually terrifie weak ones, by reaſon of difficulty, Vertue doth account them as a matter of praiſe. Seeing then there is ſo great importance in Learning for all conditions of Life, with what great Care and Solicitude ſhould Men foreſee, that the tender minds of Kings be rightly principled, even from their very Infancy. For ſeeing many are the benefits of good Kings towards their Subjects, and contrariwiſe, many Calamities proceed from wicked Princes, then nothing doth ſeem to have a greater influence upon every Rank of Men, than the carriage and converſation of Kings and others, who joyntly rule publick Affairs. For what is done well or ill by private Perſons, is for the moſt part hid from the multitude: Or by reaſon of ſuch Mens obſcure condition their example belongeth to few. But all the words and deeds of thoſe, who hold the Helm of publick Affairs, cannot be concealed, being written as it were in a publick Monument, as *Horace* ſaith, but are ſet before all Men for imitation. For they do not turn Mens affections to themſelves by Studying to pleaſe them, but by very kind Allurements of utility. And whitherſoever the inclinations of Kings do drive, they make the publick Diſcipline wheel about with them. But I am afraid that our Kings will not not be intreated to perform what you have now mentioned. For they are ſo marred by the Allurements of pleaſures, and deceived with the falſe ſhew of Honour, that I think they do almoſt that which ſome

Poets report to have befallen the *Trojans* who were in company at Sea with *Paris*. For the true *Helena* being left in *Ægypt* with *Protheus* a Holy and true religious Man, they did contend ſo Pertinaciouſly the ſpace of Ten Years for her likeneſs, that it was the end of a moſt pernicious War, and of the moſt Flouriſhing Kingdom in thoſe times. For impotent Tyrants embraeing that falſe repreſentation of a Kingdom, when they have once obtained it by right or wrong, cannot looſe it without deſtruction. Now if any do admoniſh them, that the true *Helena* for whom they imagine to fight, is elſewhere concealed, they would call him mad. *B.* I am indeed glad that you ſomewhat underſtand the Beauty of that true Daughter of *Jupiter* from this her likeneſs, ſuch as it is, albeit you do not ſee her ſelf. But if theſe Lovers of that *Helena*, to their great damage, did ſee the perfect Image of the true *Helena*, pourtracted with her lively Colours by ſome *Protegenes* or *Apelles*, I do not queſtion but they would admire her and fall in Love with her. And if they did not command their affections to enjoy that other, they might fall into thoſe grievous puniſhments, which *Perſius* in his *Satyres* doth imprecate on Tyrants. O Supream Father of the Gods, be pleaſed thus to puniſh cruel Tyrants, when any execrable Luſt dipt in raging Poyſon doth ſtir up their ſpirits, let them ſee what Vertue is, and let them pine away for ſorrow, becauſe they deſpiſed her. And therefore ſeeing we are fallen in to make mention of Tyrants, may it pleaſe you, that ſtraight way we proceed to ſpeak of them? *M.* Yea, unleſs you think ſome other thing ſhould be firſt ſpoken. *B.* I ſuppoſe we ſhall not deviate, if we proceed in the ſame Foot-ſteps for finding out a Tyrant, wherein we did inſiſt in ſeeking out a King. *M.* I think ſo. For by that means we ſhall very eaſily underſtand what difference there is betwixt them, if ſet one againſt another they be duly conſidered. *B.* And firſt of all, that we may begin at a Tyrants name, of what Language, it is uncertain. I therefore think it now neceſſary for us to ſeek therein the *Greek* or *Latin* Etymology. Now what the Ancients did call Tyranny, I think is not unknown to any who are well verſed in humane literature. For Tyrants were called both by the *Greeks* and *Latins*; who had the full Power of all things in their hands, which Power was not aſtricted by any Bonds of Laws, nor obnoxious to the cognition of Judges. Therefore in both Languages, as you know, not only the Noble Heroes, and moſt Famous Men, but the chiefeſt of the Gods, and ſo *Jupiter* alſo is called *Tyrannus*: And that even by thoſe who both think and ſpeak Honourably of the Gods. *M.* I know indeed that well enough; and the rather I much admire, whence it is come to paſs, that that name now for ſo many Ages is accounted

counted Odious, and alſo amongſt the moſt grievous reproaches. *B.* It ſeems certainly to have fallen out in this word, which happeneth to be in many others; for if you conſider the nature of Words, it hath no evil in it. And albeit ſome words have a more pleaſant ſound in the Ears of Hearers, and others a more unpleaſant, yet of themſelves they have no ſuch thing, ſo as to ſtir up the mind to Wrath, Hatred, or Hilarity, or otherwiſe to Create pleaſure or pain and trouble. If any ſuch thing befal us, that happens to fall out uſually, not from the Word, but from the conſuetude of Men, and Image thereof conceived by the Hearers. Therefore a Word which amongſt ſome Men is honeſt, amongſt others cannot be heard with ſome Preface of, *with reverence*. *M.* I remember that the like is befallen the names of *Nero* and *Judas*, whereof the one amongſt the *Romans*, and the other amongſt the *Jews* was accounted by great Men very Famous and honourable. But thereafter by no fault of theſe names, but of theſe two Men, it hath come to paſs, that even the moſt flagitious Men will not have theſe names to be given their Children: They being Buried under ſuch infamy. *B.* The ſame alſo is perſpicuous to have befallen the Word *Tyrant*, for it is credible, that the firſt Magiſtrates, who were thus called, were good Men; or from hence, that this name was ſometime ſo Honourable, that it was attributed to the Gods. But thoſe that came afterwards made it ſo infamous by their wicked Deeds, that all Men abhorred it as Contagious and Peſtilentious, and thought it a more light reproach to be called an Hangman than a Tyrant. *M.* Perhaps it was the ſame as befell the Kings in *Rome* after the *Tarquinii* were depoſed in the name *Dictator* after M. *Antonius* and P. *Dolabella* were Conſuls. *B.* Juſt ſo. And on the contrary, baſe and vulgar names have been made Famous by the Vertue of Men called thereby. As amongſt the *Romans*, *Camillus*, *Metellus*, *Scropha*; and amongſt the *Germans*, *Henry*, *Genſerick*, *Charles*. This you ſhall the better underſtand, if taking away the name of Tyrant, you conſider the thing, notwithſtanding that this kind of Government hath continued in its former Honour and Reſpect amongſt many Famous Nations, as the *Æſymnetæ* amongſt the *Grecians*, and the *Dictators* amongſt the *Romans*: For both were lawful Tyrants. Now Tyrants they were, being more powerful than the Laws; but lawful they were, as being choſen by conſent of the People. *M.* What am I hearing? Tyrants and yet lawful? Indeed I did expect a far other thing from you; but now you ſeem to confound the differences of all Kings and Tyrants. *B.* Indeed both Kings and Tyrants amongſt the Ancients ſeem to have been altogether one and the ſame, but I ſuppoſe in divers Ages: For I think the name of Tyrants was more Ancient;

thereafter when they became weary of the name, in their place ſucceeded Kings by a more plauſible name, and more gentle Government; and when they alſo began to degenerate, the moderation of Laws were adhibited, which might ſet limits to the boundleſs Luſts of their Government. Now Men according to the exigence of times, and their uſual way, ſeeking out New Remedies became weary of the Old way of Government, and ſought out New ways. Now our preſent purpoſe is to handle both kinds of Government, namely that wherein as well the Government of Kings as of Laws is the moſt powerful; and the worſt kind of Tyranny, wherein all things are contrary to a Kingdom, and have undertaken to compare them one with another. *M.* It is ſo. And I earneſtly expect you would fall upon that. *B.* At firſt then we had agreed, that a King was Created for maitaining humane Society, and we determined his Office and Duty, that by the preſcript of Laws he ſhould allow every Man his own. *M.* I do remember that. *B.* Firſt then, he that doth not receive a Government by the will of the People, but by force Invadeth it, or intercepteth it by fraud, how ſhall we call him? *M.* I ſuppoſe, a Tyrant. *B.* There be alſo many other differences, which I ſhall briefly run through, becauſe any Man may eaſily Collect them from *Ariſtotle*: For the Government of Kings is according to Nature, but that of Tyrants is not. A King doth Rule his Subjects, and Reign over them by their own Conſent. Tyrants Reign over them, nill they will they. A Kingdom is a principality of a Free Man among Free Men: Tyranny is a principality of a Maſter over his Slaves. For defence of a Kings ſafety the Subjects Watch and Ward, for a Tyrant Forrainers do Watch to oppreſs the Subjects. The one beareth Rule for the Subjects well-fare, the other for himſelf. *M.* What do you ſay of thoſe who have gotten into their hand the Supream Authority by Force and without the Peoples Conſent, and yet for many Years did ſo Rule, that the People were not weary of their Government? For what could be wanting in *Hiero* the *Syracuſan* King, or in *Coſmo de Medices* the *Florentine* Duke to make them juſt Kings, except the Peoples ſuffrages? *B.* Indeed we cannot exempt them out of the number of Tyrants. For it was Nobly ſpoken by a notable Hiſtorian, albeit you may indeed Rule your Countryand Friends by Violence and Force, and Correct their Faults, yet it is unſeaſonable. Then again, ſuch do ſeem to do juſt like Robbers, who cunningly dividing their ill gotten Goods, do ſeek the praiſe of Juſtice by injury, and of liberality by Robbery, yet do not obtain what they hunt for; by the odiouſneſs of one ill deed they looſe all the thanks of their Oſtentative bounty, and ſo much the leſs aſſurance of their Civil diſpoſition do they give their Subjects,

jects, and that becauſe they do not that for their Subjects good, but for their own Government, namely, that they the more ſecurely may enjoy their own Luſts and Pleaſures, and eſtabliſh a ſoveraignty over the Poſterity to come, having ſomewhat mitigated the Peoples hatred. Which when they have once done, they turn back again to their old manners. For the fruit which is to follow may eaſily be known by the ſowre thereof. For he hath the ſame ſtrength and power to revoke all things at his pleaſure, and to transfer unto himſelf the ſtrength of all Laws, even as if he would abrogate all Laws. But this kind of Tyrants had been perhaps tolerable, if without the common deſtruction of all it could have been taken away, even as we do endure ſome bodily Diſeaſes, rather than throw our life into the hazard of a doubtſome Cure. But they who bear rule, not for their Country's good, but for their own ſelf intereſts, have no regard to the publick utility, but to their own pleaſure and luſt, they place the ſtability of their Authority in the Peoples weakneſs, and think that a Kingdom is not a procuration concredited to them by God, but rather a prey put into their hands. Such are not joyned to us by any civil Bond, or Bond of humanity, but ſhould be accounted the greateſt Enemies of God and of all Men. For all the actions of Kings ſhould aim at the publick ſafety of their Subjects, and not at their own wealth. By how much Kings are raiſed above other Men, ſo much ſhould they imitate the Celeſtial Bodies, which having no good offices of ours given to them; yet do infuſe on human Affairs a vital and bountiful vertue of heat and light. Yea the very Titles wherewith we have honoured Kings (if you remember) might put them in mind of their Munificence. *M.* Me thinks I remember, namely that they ſhould uſe a Paternal indulgence towards their Subjects committed to them as towards Children; the care of a Shepherd in procuring their profit; as Generals in maintaining their ſafety, as Governours in excellency of Vertues, and as Emperours commanding thoſe things which might be uſeful, *B.* Can he then be called a Father who accounts his Subjects Slaves? or a Shepherd, who doth not feed his Flock, but devoureth them? or a Pilot who doth always ſtudy to make ſhipwrack of the goods in his Ship, and who as (they ſay) makes a Leek in the very Ship wherein he ſails? *M.* By no means. *B.* What is he then, who doth not Rule for the Peoples good, but ſtill doth all for himſelf, who doth not ſtrive with good Men in Vertue, but contendeth to exceed the moſt flagitious wretch in Vices? who leadeth his Subjects into manifeſt Snares? *M.* Indeed ſuch ſhall not by me be accounted either a General, or Emperour, or Governour. *B.* If you then ſhall ſee any uſurping the

name

name of a King, and in no kind of Vertue excelling any of the People but inferior to many therein, not fatherly affectionate towards his Subjects, but rather oppreſſing them by arrogant domineering, and that thinketh the People is concredited to him for his own gain, and not for their ſafeguard. Will you imagine that ſuch a Man is truely a King, albeit he goes vapouring with a great many in Guard about him, and openly be ſeen with gorgeous Apparel, and make a ſhew of Puniſhments? can he conciliate the People, and catch their applauſe by Rewards, Games, Pompous ſhews, and even mad underminings, and whatever is thought to be Magnificent? will you, I ſay, account ſuch a Man a King? *M.* Not indeed, If I would underſtand my ſelf aright, but void of all human ſociety. *B.* Within what limits do you circumſcribe human ſociety? *M.* Within the very ſame limits wherein by your preceding diſcourſe you ſeemed to include it, namely within the Hedg of Laws. Which whoſoever trangreſs, be they Robbers, Thieves, or Adulterers, I ſee them publickly puniſhed, and that to be accounted a juſt cauſe of their Puniſhment, becauſe they tranſgreſſed the limits of human ſociety. *B.* What ſay you of thoſe, who would never once enter within theſe hedges? *M.* I think they ſhould be accounted Enemies to God and Men, and reckoned amongſt Wolves, or ſome other kind of noiſome Beaſts, rather than amongſt Men: which whoſoever doth nouriſh, he nouriſheth them for his own deſtruction and others: and whoſoever killeth them, doth not only good to himſelf, but to all others. But if I had power to make a Law, I would command (which the *Romans* were wont to do with Monſters) ſuch kind of Men to be carried away into ſolatary places, or to be drowned in the depths of the Sea, a far from the ſight of any Land, leſt by the Contagion of their Carcaſſes they might infect other Men. And rewards to the killers of them to be diſcerned not only by the whole People, but by every particular Perſon; as uſeth to be done to thoſe who have killed Wolves or Bears, or apprehended their Whelps. For if ſuch a Monſter ſhould be Born, and ſpeak with a Mans voice, and have the Face of a Man, and likeneſs of other Parts, I would have no fellowſhip with him; or if any Man deveſted of humanity ſhould degenerate into ſuch cruelty, as he would not meet with ether Men but for their deſtruction. I think he ſhould be called a Man no more than Satyrs, Apes, or Bears, albeit they ſhould reſemble Man in countenance, geſture and ſpeech. *B.* Now if I miſtake not, you underſtand what a King, and what a Tyranat the wiſeſt Antients meant in their Writings. Will it pleaſe you then that we propoſe ſome Idea of a Tyrant alſo, ſuch as we gave in ſpeaking of a King? *M.* Yes, that I do

do earneſtly deſire, if it be not a trouble to you. *B.* You have not forgot, I ſuppoſe, what by the Poets is ſpoken of the Furies, and by our Divines of the Nature of evil ſpirits, namely, that theſe ſpirits are Enemies of Mankind, who whilſt they are in perpetual Torments, yet do rejoyce in the Torments of Men. This is indeed the true Idea of Tyranny. But becauſe this Idea can only be diſcerned in the imagination, but not by any of the ſenſes, I ſhall ſet before you another Idea, which not only the Mind may diſcern, but the ſenſes alſo perceive, and as it were repreſented to the very Eye. Imagine you ſee a Ship toſſed by Waves in the Sea, and all the Shoars round about not only without Haven or Harbour, but alſo full of moſt cruel Enemies, and the Maſter of the Ship in conteſt with the Company, and yet to have no other hope of ſafety than in their fidelity, and the ſame not certain, as knowing well that he puts his life into the Hands of a moſt barbarous kind of Men, and void of all humanity, whom by Money he may hold truſty, and who for greater gain may be conduced to fight againſt him. Such indeed is that life which Tyrants embrace as happy. They are afraid of Enemies abroad, and of their Subjects at home, and not only of their Subjects, but of their Domeſticks, Kinsfolks, Brethren, Wives, Children and near Relations. And therefore they have always War, either a Foreign War with their Neigbours, Civil War with their Subjects, or a Domeſtick War within doors, or elſe they are ſtill in fear thereof. Neither do they expect aid any where but by a Mercenary way, they dare not hire good Men, nor can they truſt bad Men; what then in all their life can be to them pleaſant? *Dionyſius* would not let his Daughters once become Women to trim him, fearing to let the Razor come to his Throat. *Temoleon* was killed by his own Brother, *Alexander Pharaus* by his own Wife, and *Sp. Caſſias* by his own Father. He that ſtill hath ſuch Examples ſet before his Eyes, what a Torture do you imagine he carrieth about in his Breaſt? Seeing he thinks that he is the mark ſet for all Mankind to ſhoot at. Neither is he only, while awake, tormented with theſe tortures of Conſcience, but alſo is awakned out of his Sleep by terrifying ſights both of living and dead, and agitated by the Firebrands of helliſh Furies. For the ſeaſon which Nature doth grant for reſt to all Creatures, and alſo to Men for relaxation of their Cares, to him is turned into horrours and puniſhment. *M.* Forſooth you have handled theſe things very acutely, but I know not if truly alſo, but yet, if I miſtake not, they make not ſo much for our purpoſe.

For

For they who have the power to chooſe what Kings they pleaſe, in them is the power to bind by Laws ſuch as they have choſen. But you know that our Kings are not choſen, but born Kings. To whom I have always thought it to be no leſs hereditary, that their will and pleaſure ſhould ſtand for Law, than the Kingdom it ſelf. Nor am I raſhly induced to be of this opinion, but convinced by ſeveral great Authors, with whom I am not aſhamed to be miſtaken, (if at all I be in any miſtake or errour.) For not to make mention of others, Lawyers do affirm, that by the Royal Law which is made for the Government of Kings, all the Peoples Power is ſo tranſmitted into them, that their will and pleaſure ſhould be accounted for Laws. And indeed from this Law did thoſe threatnings of a certain Emperour ariſe, that he would quite take away from Lawyers all their ſciences, wherein they ſo much boaſt, by one Edict. *B.* You do very well, that whilſt you cite a moſt wicked Author of one of the greateſt deeds, thought good to ſuppreſs his name. For that was *C. Caligula*, who wiſhed but one Neck for all the people of *Rome*. Now in that Emperour there was nothing of a man, far leſs of a King, beſide his ſhape, you are not then ignorant how much Authority may be due to him. But as for the Royal Law, what it is, when, by whom, and in what words it was made the very Lawyers make no mention. For that power was never in any of the Roman Emperours, ſeeing from them appeals were made to the people. But that ordinance, whereby *L. Flaccus* having oppreſſed the Liberty of the People of *Rome*, eſtabliſhed by the ſilence of other Laws; the Tyranny of *L. Sylla*, no man did ever hold for a Law. For of that ordinance ſuch was the ſtrength, that whatever *L. Sylla* had done, ſhould be ratified. Which Law never any free people was ſo infatuate, as willingly to permit to be impoſed on them. Or if any ſuch were, he were indeed worthy to ſerve perpetually Tyrants, and be puniſhed for his folly. But if any ſuch Law have been, let us think it was an example propoſed to us for caution, but not for imitation.

M. Indeed you admoniſh well. But that admonition belongeth to them in whoſe power it is to create ſuch Kings as moſt pleaſe them, but to us it doth not at all belong, who do not by ſuffrages elect the beſt Kings, but accept of thoſe that by chance are given us. That alſo of a certain Lawyer ſeems properly to quadrate with us, who have given to our Kings *Anceſtors* that right and authority over us and our poſterity, that they and their poſterity

rity ſhould perpetually hold their Empire and Authority over us. I wiſh then you had admoniſhed them (I mean our *Anceſtors*) who once had it in their own power entirely to admit ſuch Kings as they pleaſed. But now that Counſel of yours too late ſerves only for this, not to amend the faults that are not in our power, but deplore our *Anceſtors* folly, and acknowledge the miſery of our condition. For what can be left to thoſe that are made ſlaves, but to be puniſhed for other mens folly? And that our puniſhment may be made more light, let us aſſwage them by patience: let us not provoke their wrath, by tumultuating importunely, whoſe dominion over us we cannot caſt off, nor diminiſh their power, nor flee from their force or weakneſs. Now that Royal Law, to which you are ſo much an Adverſary, was not made in favour of Tyrants, as you would have it ſeem to be, becauſe it was approved by *Juſtinian* a very juſt Prince. With whom ſo plain flattery would not have had place. For with a fooliſh Prince that of the Poet would prevail *whom do th falſe honour help, or lying infamy terrify, but a lewd man and a lyar? B.* Indeed *Juſtinian*, as Hiſtory reports, was a great mighty Man albeit ſome do report him to have been cruelly ingrate to *Belliſarius*. But let him be ſuch as you judge he was, yet you may remember, that it is recorded by ſome almoſt of that ſame age with him, that *Tribonius*, a chief Man amongſt the compilers of theſe Laws, was a very wicked Man, and ſo might eaſily be induced to gratify alſo a very bad Prince. But even good Princes do not hate this kind of flattery. For *Even thoſe who will not kill any man, do yet deſire to have it in their power, and there is nothing which he dare not believe of himſelf, ſeeing his power equal to that of the Gods is commended.* But let us return to our own Princes: to whom you ſay the Kingdom doth come by inheritance and not by ſuffrages. Now of our own only I ſpeak, for if I ſhall digreſs to ſpeak of Foreign Princes, I fear leſt our diſcourſe become more prolixe than we intended. *M.* I think you ſhould do ſo. For Foreign Affairs do not much belong to our diſpute in hand. *B.* That I may therefore begin at the firſt Principles. This is ſufficiently agreed upon, that our Princes were choſen for their Vertue, who ſhould govern others. *M.* So do the Writers of our Affairs record. *B.* Nor is this leſs known, that many who have Reigned cruelly and wickedly have been called to account by their Subjects: ſome adjudged to perpetual Impriſonment, others puniſhed partly by exile, and partly by death, againſt whoſe killers no Inquiſition was ever

made, even when their Sons or Kinſmen were aſſumed into their ſtead. But who ever had killed good Kings, were more ſeverely puniſhed, ſo as no where elſe was murther more ſeverely revenged. And becauſe it would be tedious to rehearſe every one, I ſhall produce ſome few of theſe laſt Kings, whoſe memory is moſt recent. The nobility did ſo grievouſly puniſh the Murther of *James* the Firſt, (having left as heir his Son of ſix years of age) that by a new and exquiſit kind of puniſhment they put to death ſeveral Perſons of very Eminent Families, and Peers of the Land, both for wealth and vaſſalage eminent: On the contrary, who did condole the death of *James* the Third, a Man flagitious and cruel? far leſs revenge it? But in the death of *James* the Fourth his Son, the ſuſpition of the Crime was puniſhed with death neither were our Anceſtors piouſly inclined towards good Kings, but alſo gentle and merciful toward wicked Kings. For when one of King *Culen's* Enemies had killed him in his journey, whilſt he is coming to give an account of his Adminiſtration, he was ſeverely puniſhed by a ſentence of the Eſtates of Parliament. And likewiſe was puniſhed as an Enemy, he who had killed *Evenns* in Priſon, who had been adjudged to perpetual bonds. And the violent death or parricide of him they puniſhed, whoſe wicked and vicious life all men had hated. *M.* I do not ſo much inquire at preſent what ſome time hath been done, as by what right Kings Reign amongſt us. *B.* That we may therefore return thereunto, as in our firſt Kings until *Kenneth* the Third, who firſt ſetled the Kingdom in his own Family, it is very clear what was the peoples power in creating their Kings, and taking order with them, even ſo it is neceſſary we know, that he either did that againſt the peoples will, or by perſwaſion obtained it. *M.* That cannot be denied. *B.* Moreover, If by force he compelled the people to obey him, then how ſoon the people began to have confidence in their own ſtrength, they might have caſt off that violent yoke of Government impoſed upon them: Seeing all Laws received by Kings and People do pronounce, and nature it ſelf doth call for it, that whatever is done by force and violence, may be undone by the like violence. *M.* What if the people being by fraud circumvented, or by fear forced did ſurrender themſelves into that Slavery: what for excuſe can be pretended, but that they perpetually continue in that caſe, into which it was once agreed they were to be in? *B.* If you debate with me from that agreement, what excuſe there is for undoing the ſame. I ſhall on the other hand lay down ſome reaſons why pactions and agreements

greements may be diſſolved. And firſt of all, ſuch as are made through force or fear, in all Common-wealths, concerning theſe there is a ſure Law, drawn from Natures ſpring. Laws allow reſtitution to be fully made to ſuch as are by fraud circumvented, and think that it ſhould be kept for Pupils, and ſuch other Perſons, who by juſt Law they would have to be defended. What Aſſembly therefore of Men can require more juſtly to have reſtitution, then a whole people? to whom the wrong is done, which indeed is not done againſt one part of the Common-wealth, but floweth far abroad into all the Members of that politick Body. *M.* I know this Law to be made uſe of in the caſes of private Perſons, nor is it unjuſt. But there is no neceſſity we ſhould debate herein, ſeeing it is far more credible (which is recorded by Hiſtorians) that that right was by the peoples will granted to Kings. *B.* It is alſo credible that ſo great a matter was not obtained without ſome great cauſe. *M.* I do eaſily aſſent thereto. *B.* What do you think was the chief cauſe thereof? *M.* What other, except that which is recorded? wearieſomneſs of ambition, Tumults, Murthers, inteſtine Wars, often with the utter deſtruction of the one party, and always with very great damage of both. For ſuch as did obtain the Government, endeavoured to cut off their Brethren, and almoſt all their near Kinſmen, that they might leave the Government the more peacable to their Children, even as we hear is done amongſt the *Turks*, and as we ſee amongſt the chief of the Clanns in our *Iſlands*, and in *Ireland*. *B.* To which of the two do you think was that contention moſt pernicious, to the People or to the Princes? *M.* Certainly to the Kings, ſeeing the greateſt part of the people ſecuring themſelves doth uſually ſtand Spectators of Princes conteſts, and yield always as a prey to the Victors. *B.* It ſeems then that Princes rather for themſelves, than for the good of the people deſired to eſtabliſh the Kingdom in their own Family. *M.* That is very probable. *B.* Now that they might obtain that which did ſo much concern the perpetual dignity, wealth and ſafety of their Family, it is probable, that they did diſpenſe or remit to one another ſomewhat of their right: and that they might the more eaſily obtain the peoples good will, liking and conſent, they on their part gave them ſome eaſe. *M.* I believe that. *B.* You will certainly confeſs it incredible, that for ſo great a benefit beſtowed on their Kings, they ſhould endure to be in a worſe caſe than formerly they were in. *M.* It is altogether incredible. *B.* Neither would Kings have de-

fired it with ſo great Ambition, if they had known it would prove hurtful to their Children, and unprofitable to the people. *M.* Not at all. *B.* Imagine then that ſome one in Parliament of the free people did freely ask the King, what if to any King ſhould ſucceed a Son that is a fool, or mad? Will you ſet ſuch over us to Rule us, who cannot rule or govern themſelves? *M.* I think there was no need to make uſe of that exception, ſeeing by the Laws it is provided againſt ſuch a caſe. *B.* Well ſaid indeed. Let us then ſee, if Kings had obtained from the people a free power over the Laws, whether that had been unprofitable, eſpecially to thoſe who deſired to foreſee the good of their own Family in time coming. *M.* Why ſhall we think that that Power would be unprofitable? *B.* Becauſe nothing doth ſo much contribute for the continuance of a Government, as that temperament of Government, ſeeing it is both honourable for Kings, and moderate, and ſafe for the people. The mind of Man hath ſomewhat ſublime and generous imbred therein by nature, that it will obey none, unleſs he govern profitably: Nor is there any thing more prevalent for maintaining humane ſociety, than the mutual exchange of benefits, and therefore *Theopompus* ſeems to have wiſely anſwered his Wife upbraiding him that by adding the *Epbory* he had diminiſhed the Power of his Authority, and had left the Kingdom to his Sons leſs than he had gotten it. It is, ſaith he, ſo much the more firm and ſure. *M.* What you relate of continuance, I perceive is moſt true. For I think the Kingdoms of the *Scots* and *Danes* are the moſt Ancient of all that are in *Europe*, nor do they ſeem by any other means to have attained that antiquity, than by the moderation of the Supream Authority, whilſt in the mean time the Kingdoms of the *Frenches*, *Engliſhes* and *Spaniards* have paſt ſo often out of one Family into another. But I do not know if our Kings have been ſo wiſe as *Theopompus*. *B.* As they have not been ſo prudent, do you imagine that the people were ſo fooliſh, as to neglect an occaſion ſo opportune put into their hand? or that they were ſo ſtruck with fear, or ſeduced by flatteries, as to give themſelves over into ſlavery willingly? *M.* Perhaps it was not. But if the people (which indeed might be) were ſo blind, that they did not ſee what might concern their own good, or being careleſs would not ſee what might be for their benefit, ſo as to contemn it, ſhould they not then be juſtly puniſhed for their folly? *B.* It is not probable, that any ſuch thing was done, ſeeing we may ſee the contrary to

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be obſerved even to our days. For beſides that wicked Kings, as often as they intended Tyranny over their Subjects, were always reſtrained, ſome Veſtiges of the Ancient Cuſtoms do yet continue in ſome Ancient Families. For the Old Scots even to our very days do chooſe their Heads of Clans, and having choſen them, do give them a Council of Elders, to which Council whoſoever gives not Obedience, is deprived of all Honour and Dignity. What therefore is with very great care obſerved in the parts, would they be negligent of for the ſecurity and ſafety of all? And would they willingly redact themſelves into Bondage to him, who was to poſſeſs a lawful Kingdom inſtead of ſome benefit? and would they freely give over their Liberty acquired by vertue, defended by arms, not interrupted for ſo many Ages, to one not expecting it, without force, without War: For the calamity of *John Baliol* doth ſhew that that power was never granted to our Kings, beſides the puniſhments ſo often taken for their Male-adminiſtration. Who about two hundred and ſixty years ago was by the Nobility rejected, becauſe he had ſubjected himſelf and his Kingdom to the authority of *Edward* King of *England*, and *Robert* the firſt was ſubſtitute in his ſtead. The ſame doth alſo ſhew that perpetual Cuſtom continued from the beginning of our Government.

M. What cuſtom do you ſpeak of? *B.* When our Kings are publickly inaugurated, they ſolemnly promiſe to all the people, that they will obſerve the Laws, Rites and old Statutes of their predeceſſors and uſe the ſame power which they have received from them, that whole order of ceremonies doth ſhew, and the firſt entry of our Kings into every City, from all which it may be eaſily underſtood, what kind of power they did receive from our predeceſſors, to wit, none other than that they ſwear to maintain the Laws being choſen by ſuffrages. This condition of reigning did God propoſe to *David*, and his poſterity, and promiſeth they ſhould reign ſo long, as they ſhould obey the Laws he had given them, thoſe things indeed they do, as is probable that our Kings received from our Anceſtors a power not immenſe, but within certain limits bounded and limited. And further there was the confirmation of a long time, and the uſurpation of a perpetual right by the people, never reprehended by a publick decree. *M.* But I fear it cannot be eaſily obtained of Kings as being perſwaded by that probability to condeſcend to theſe Laws however ſworn unto, or uſurped by the people. *B.* I alſo believe, it is no leſs hard to perſwade the people to paſs from

from the right received from their Anceſtors, approved by the uſe of ſo many ages, and practiſed by one continual tenour. I do not think it needful to proceed by conjectures what the people is to do, ſince I ſee what they have done already. But if by the obſtinate pertinacy of both the buſineſs they come to Arms, he that prevaileth will give what Law and right he pleaſeth to the vanquiſhed: but this will no longer continue than he who is vanquiſhed, having again gathered together his forces, ſhall take up Arms again. In all which contentions men uſually ſtill fight with very great damage of the people, but with the utter overthrow of Kings. For from this Spring do flow all the deſtructions of all Kingdoms. *M.* It muſt needs be ſo. *B.* I have perhaps gone back further than was needful, to the end you might clearly underſtand what kind of Government there was amongſt us of old. For if I had reaſoned with you according to the rigour of the Law, I might have gained my point in a far more compendious way. *M.* Albeit you have almoſt ſatisfied me already, yet I ſhall willingly hear what that is. *B.* I would then have you firſt of all to anſwer me this queſtion. Do you not approve the definition of Law ſet down by Lawyers, who ſay that Law is, that which the people knew when demanded by him to whom the Prerogative of demanding belongeth. *M.* Indeed I do approve it. *B.* We have agreed, that the faults of Laws being found out, they may be amended or abrogated by the Law-givers. *M.* We did ſo. *B.* I ſuppoſe you perceive now, that ſuch as are born Kings are by the Laws and ſuffrages of the people created, no leſs than thoſe whom we ſaid were elected in the beginning, and that in receiving of Laws there will not be Remedies wanting in the people, who are the Lawgivers, not only againſt force and fraud, but alſo againſt negligence. *M.* I perceive that clearly. *B.* Only here is the difference, that the Law concerning our Kings was made ſeveral ages before, and when any doth enter into the Kingdom, there uſeth to be no new Law made, but the old Law is approved, and ratified. But amongſt thoſe who have their meeting of Eſtates at the Election of every King, the Law uſeth to be made, the King created and approved, and ſo to enter into his Government. *M.* It is ſo. *B.* Now if you pleaſe, let us briefly recapitulate what we are at accord in from the very beginning. So that if ought be raſhly approved, it may be retracted. *M.* I am content. *B.* Firſt of all then, it ſeems that a King is created for the Peoples ſake,

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and that nothing more excellent is given us of God than a good King, and more Peſtilentious than a wicked King. *M.* Very right. *B.* We have alſo ſaid that a wicked King is called a Tyrant. *M.* We have ſaid ſo. *B.* And becauſe there is not ſuch plenty of good men, ſo as to chooſe thoſe who may prove good Kings, nor ſo great a happineſs of Birth, as that good Luck may offer us thoſe that are good: if we have not ſuch as we would wiſh, yet we have ſuch as either conſent hath approved, or chance hath offered. Now the hazard that occureth either in chooſing new Kings, or in approving ſuch as are given us by Birth, was the cauſe that we deſired Laws, which might modify the Government of Kings. Now theſe Laws ſhould be nothing elſe but the expreſs Image (as far as may be) of a good Prince. *M.* We are at accord in that alſo. *B.* It now remaineth, as I ſuppoſe, for us to ſpeak of the Puniſhment of Tyrants. *M.* That only ſeems to remain unſpoken of. *B.* If then a King break all the Bonds of Laws, and plainly behave himſelf as a publick Enemy, what think you ſhould be done in this caſe? *M.* Indeed I am at a ſtand here. For albeit the reaſons you have given ſeem to convince me, that we ought to have no ſociety with that King, yet ſo great is the ſtrength of a conſtant cuſtom that in my opinion it hath the ſtrength of a Law. Which cuſtom doth ſo cloſely cleave to men in their minds, that if at any time it hath brought in an errour, better it is to tolerate it, than to marr the Conſtitution of the whole Body, whilſt we endeavour to Cure a Diſeaſe that is but ſmall by cuſtom. For ſuch is the Nature of ſome diſeaſes, that better it is to endure the Pain they bring, than to call for doubtſom remedies, in the applying whereof, albeit the Cure may be wrought, yet they bring ſuch ſharp Pains in their Cure, as that the Cure of the Diſeaſe is more pernicious than the Diſeaſe it ſelf. Next, that which troubles me more is, I ſee that Government which you call Tyranny, confirmed by the Word of God, and what you abhorr as the utter overthrow of Laws, God doth call the Law of the Kingdom; the Authority of that paſſage of Scripture doth move me more than all the Arguments of Philoſophers. If you do not explain this to me, the comments of Men will not be of ſo great account with me, but that I may inſtantly fall away to the Adverſaries ſide. *B.* You are, as I perceive, in the common errour, and that very grievous, who do endeavour to confirm Tyranny by Tyranny. For how great the Tyranny of cuſtom is in the minds of men,

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wherein it hath taken deepeſt root, and too often we have found it in this our age. *Herodotus* an Ancient writer doth give us warning by an old example, but I need not old examples. Be well adviſed. Conſider with your ſelf how many things there be of great moment, wherein you following the dictates of reaſon have fallen from a cuſtom inveterat ſo many ages paſt, ſo that now you might have learned by Domeſtick experiments, that there is no cuſtom more full of dangers than that which in a publick way they command us to follow. I bid you look well to it round about, how many ruins, and how great ſlaughters will you ſee therein? but if it be more clear (as we ſay) then the very light, I need not tarry longer in proving or Illuſtrating a thing ſo perſpicuous. Now as for that paſſage of Scripture, which from the Hiſtory of the Kings you rather ſignify than explain, beware, I pray you, you think that the things which God doth abhor in the life of Tyrants, are by him allowed to Kings. Now leſt this be, I bid you firſt conſider what that people ſought of the Lord: then what cauſes of a new petition they had, laſtly, what the Lord did anſwer them. Firſt, they ask a King, but what a King? a Lawful King? ſuch a one they had. For *Samuel* was given them by the Lord, whoſe Prerogative it was to ſet a King over them. He had for many years judged them Lawfully according to preſcript of God's Law: but whilſt in his old Age his Sons did judge, they did many things wickedly, and judged contrary to the Laws. I ſee no reaſon why they ſhould ask the change, or rather Amendment of the Government, or expect the ſame from the Lord, who not long before had quite rooted out the whole Family of *Heli*, almoſt for the like cauſe. What do they ask? A King, ſuch as their Neighbouring Nations had, who at home might be a judge to them, and abroad a leader of their Armies. Now in effect ſuch were Tyrants, for as the People of *Aſia* are of a more ſervile diſpoſition than thoſe of *Europe*, ſo did they the more eaſily obey the commands of Tyrants. There is no mention made for ought I know, by an Hiſtorian of any Lawful King in *Aſia*. Moreover, it doth eaſily appear that a Tyrant, and not a King is there deſcribed, in regard the Lord in Deuteronomy had preſcribed to them a form not only different from this in that place cited by you, but alſo plainly contrary thereto, according to which form *Samuel* and the other judges had judged ſo many years, which whilſt they did reject, the Lord complains, that he was by them rejected. *M.* But the Lord doth not call him Tyrant,

rant, but ever King. *B.* He calls him indeed King: for it is peculiar to the Lord, to use the common Speech of the People, as often as he speaketh to a people. And therefore he maketh use of that word with the Vulgar People: but lest an Ambiguous use thereof might deceive, he doth Eloquently expound what the use of that word was amongst Neighbouring Nations. *M.* As that may be true, yet that of the Apostle *Paul* doth urge us more narrowly, who commands us to pray for the safety of Princes: he is so far from permitting us to revile Government, much less to dethrone such as are invested therewith, or to kill them being thrown down. But what Princes doth he recommend to our Prayers? the most cruel that ever were, *Tiberius*, *Caligula*, *Claudius*, *Nero*. For *Pauls* Epistles were almost contemporary with them. *B.* That you make so much account of the Authority in *Paul*, so as one Sentence of his hath more weight with you than the writings of all Philosophers and Lawyers, I think you do well: but see that you consider well his judgment, or meaning: for you must not examin the words only, but in what time, to whom, and why he wrote. First then let us see what *Paul* did write. For he writeth to *Titus*. Chap. 3. Put them in mind to be Subject to Principalities and powers, and to be ready to every good work. I suppose, you see what end of obedience and subjection he appoints. He likewise to Timothy Chap. 2. Doth write, that we should pray for all men, even for Kings, and other Magistrates, that saith he, we may live a peaceable life in all Godliness and honesty. And here you see what end of praying he appoints: namely not for the Kings safety, but the Churches Tranquillity, from which it will be no difficult thing to conceive also the form of Prayer. Now in his Epistle to the *Romans*, he doth define a King near to a Logick subtilty, for saith he, he is a Minister to whom the sword is given by God, for punishing the wicked, and for cherishing and relieving the good. For saith *Chrisostome*, these things are not by *Paul* written of a Tyrant, but of a true and Lawful Magistrate, who is the Vice-gerent of the true God on Earth, whom whosoever resisteth, doth certainly resist the ordinance of God. Now albeit we ought to pray for wicked Princes, we should not thence conclude, that their vices should not be punished: nor will it more follow that we should not punish the rapines of *Robbers*, for whom we are also commanded to Pray: And if we should obey a good Prince, it will not therefore follow that we should not resist a wicked Prince. But if you consider the

reaſon which did move *Paul* to write theſe things, look that the place or Argument make not much againſt you. For he wrote this to chaſtiſe the raſhneſs of ſome, who did deny the Authority of Magiſtrates to be neceſſary for *Chriſtians.* For ſince the power of Magiſtrats is ordained againſt wicked men, that we may all live rightouſly; and an example of Divine Juſtice might remain amongſt men, they affirmed that there was no uſe thereof amongſt men, who abhor ſo much the contagion of vices, as that they are a Law to themſelves. *Paul* doth not therefore ſpeak of thoſe who bear Rule as Magiſtrats, but of Magiſtracy it ſelf, that is, of the function and office of thoſe who rule: nor yet of one or other kind of Magiſtracy, but of every form of a Lawful Magiſtracy. Nor doth he debate with thoſe who think that wicked Magiſtrates ſhould be reſtrained, but with thoſe men who deny all Authority of Magiſtrates, who abſurdly interpreting *Chriſtian* liberty, did affirm it to be an indignity for thoſe that were made free by the Son of God, and ruled by the Spirit of God, to be under the power of any man. That *Paul* might refute their errour, he ſheweth, that Magiſtracy is a thing not only good, but alſo ſacred, namely an ordinance of God, and for that end inſtituted, that the aſſemblies and incorporations of men might be ſo continued, that they might acknowledge Gods benefits towards them, and might forbear to wrong one another. God commanded them to be keepers of his Laws who were conſtituted in dignity. Now if we confeſs Laws to be good (as indeed they are) and the keepers thereof worthy of Honour, we will be forced to confeſs that the office of the keepers is a good and profitable thing. But Magiſtracy is terrible, but to whom? to the good, or bad? to the good it is not a terrour: it being to them a defence from injury: but to wicked men it is a terrour: it is not ſo to you, who are ruled by the Spirit of God. But you will ſay to me, what need have I then to be Subject to Magiſtracy, if I be the Lords Freeman? yea, that you may approve your ſelf to be the Lords Freeman, obey his Laws: for the Spirit of the Lord, by whom you boaſt to be led and governed, is both the Law-giver, and approver of Magiſtrates, and alſo the Author of obedience to Magiſtrates. We therefore in this will eaſily agree together, that there is need of Magiſtracy even in the beſt Common-wealths, and that we ſhould every way honour the ſame. But if any man think otherwiſe, we account him mad, infamous and worthy of all Puniſhment. For he doth plainly contravene the will of God revealed

revealed to us in the Scriptures. But as for *Caligula*, *Nero*, *Domitian*, and such like Tyrants, why they should not be punished as breakers of divine and humane Law, you have nothing here from *Paul*, who treats of the power of Magistrates, but not of the wicked Ministers of that power, nor will they be at all Magistrates, if you examine that kind of Tyrants according to *Pauls* rule. But if any will debate that wicked Princes are also ordained by God, look that this his discourse be not captious. For (as they say in Proverb) God may put a hard wedge to cleave a hard knot, so doth he set up a wicked man for punishing of wicked men; but no man in his right wits dare affirm, that God is therefore the Author of evil, or wickedness, even as no man is Ignorant that he is the Author of punishing wicked men. A good Magistrates also for the most part chooseth a wicked man to be an hangman for punishing guilty Persons. And albeit indeed that a Magistrate doth assume such an hangman for that Office, yet no impunity is granted him of all his misdeeds. Nor will the Magistrate have him to be so above the Laws, as that he cannot be questioned thereby. I will not stay longer upon this similitude, lest Court flatterers cry out that I speak basely of the supream Magistrate. But however they exclaim, certainly this they cannot deny, that the hangmans function is a part of the publick Office, and perhaps of the Royal Office, or at least by the Testimony of very Kings; who complain that their Majesty and Person is wronged, as oft as any of their publick Ministers is wronged, or violence done to them: Now the punishment of wicked Malefactors, and whatever else of that kind, doth belong to the Kings office. What say you of Majors or Provosts in Towns? what of Generals of Armies? what of Baillies? What of Sherifs? doth not *Paul* command us to be subject to them? doth he hold them for private persons? Now an account useth to be taken for male-administration of all, not only of Inferiour Magistrates, but also of such as are equal to Kings. I would therefore have them, who from *Pauls* words do dream that so great a power is given to Kings, to shew me from him, that Kings only are here to be understood by the name of power, and therefore they only are to be exempted from the Punishment of Laws: or if, when we say powers, other Magistrates be also understood by the same Author, who are ordained by God for the same use: I would have them also to shew me, where all Magistrates are loosed from the Laws, and pronounced free from the fear of Punish-

ment: or if this immunity be granted to Kings only, but denyed to others who are set in Authority. *M.* But *Paul* will have all to be subject to the higher powers. *B.* He commandeth so indeed, but by this name of Power he must needs comprehend other Magistrates, unless perhaps we imagin that *Paul* doth think no Power at all to be in those Common-wealths, which have not Kingly Government, but plainly an Anarchy therein. *M.* I do not believe that, nor is it probable: and the rather I am of this opinion, because the current of all the most learned Interpreters on the place make for you: who think that *Pauls* dispute there was against those that affirmed that no Laws and Magistrates did at all belong to them. *B.* What say you to that which I lately spoke. Do you think, that those Tyrants before mentioned of all men the most cruel, are meant by the Apostle?

M. Yes, but what produce you against me to hinder me from the belief thereof? especially seing *Jeremy* doth earnestly advise the *Jews*, and that by command of God, to obey the King of *Assyria*, and by no means to reject his autority, and thence they infer by the like reason, that obedience should be given to other Tyrants also how cruel soever. *B.* That I may answer first to what you last spoke you must take notice, that the Prophet doth not command the *Jews* to obey all Tyrants, but the King of *Assyria* alone: Now if you would conclude the Form of a Law from that which is commanded to be done to one single Person, first you are not ignorant (for Logick hath taught you that) what a great absurdity you will make, next you will be in danger to be assaulted by the opposers of Tyranny with the like weapons; for you must either shew what singular thing there is in that matter, or propose it to be imitated by all every where, or if you cannot do this, you must acknowledge, that whatever is enjoyned concerning any one Person by any special command of God, it doth alike belong to all. If you shall once admit this (which you must needs do) it will be instantly objected, that *Ahab* was killed by Gods command, and a reward was also promised and performed to him that should kill him. Whenever therefore you betake your self to that refuge, you must obey all Tyrants: because God by his Prophet did command his People to obey one Tyrant. It will be instantly replyed, that all Tyrants ought also to be killed, because *Ahab* at the command of God was killed by the Captain of his host. Therefore I advise you to provide a more firm defence from Scripture for Tyrants, or then laying the same aside at present you may have your recourse to the Philoso-

phers,

phers School. *M.* I shall indeed think upon it. But in the mean time let us return from whence we have digressed. What do you bring from Scripture, why Tyrants may be lawfully killed. *B.* First of all I proffer this, that seing it is expresly commanded to cut off wickedness and wicked Men, without any exception of rank or degree, and yet in no place of sacred Scripture are Tyrants more spared than private Persons. Next, that the definition of Powers delivered by *Paul* doth not wholly belong to Tyrants, because they accommodate not the strength of their Authority, for the benefit of the People, but for fulfilling their own Lusts. Further we should diligently consider how much Power *Paul* doth grant to Bishops, whose Function he doth highly and truly praise, as being some way like unto Kings, as far as the nature of both their Functions can admit. For Bishops are Physitians of Internal Diseases, as Kings are Physitians of external Distempers, and yet he would neither of them to be free from or not liable to the Jurisdiction of the other. And even as Bishops are subject to Kings in the Exercise of their Civil Government, so ought Kings obey the Spiritual admonitions of Bishops. Now albeit the amplitude and dignity of Bishops be so great, yet no Law divine nor humane doth exempt them from the punishment of crimes. And to pass by others. The very Pope who is accounted the Bishop of Bishops, who so exalts himself above all Kings, that he should be accounted a certain God amongst them, yet is he not exempted from the Punishment of Laws, no not by his own Canonists, a kind of men very devoted to him. For seing they would think it absurd that God (for they do not hesitate to call him thus) should be obnoxious to Mens censure, and think it unjust that the greatest crimes and most filthy abominations should pass unpunished in any, and yet they have found out a way whereby crimes may be punished, and the Pope accounted sacred and inviolable. For the Priviledge of the Pope is one thing, and of that Man who is Pope is another, say they and whilst they exempt the Pope (whom they deny can err) from the cognition of the Laws, yet do they confess him to be a Man obnoxious to vices and punishment of vices; nor have the more subtilly than severely declared their Judgment herein. It would be tedious to rehearse, what Popes (to speak after their usual way) what Men personating Popes, who not only alive were forced to renounce their Popedom, but being dead were pulled out of their Graves, and thrown into *Tibur*. But to omit old Histories. The recent memory of Pope *Paul* the *IV.* is fresh in our mind, for his own *Rome* did witness

neſs a publick hatred againſt him by a new kind of Decree. For they vented their Fury (he being by death taken away) againſt his neareſt Kinsfolk, his Statues and painted Images or Pictures. Nor ſhould this Interpretation ſeem more ſubtile, whereby we ſeparate the Power, from the Perſon in Power, than Philoſophy doth acknowledge, and the antient Interpreters do approve, nor is the rude multitude and Strangers to ſubtile diſputing ignorant thereof; for the meereſt Tradeſmen take it for no blot upon their Trade, if a Smith or Baker be hanged for robbery, but are rather glad that their ſociety is purged of ſuch Villains. But if there be any of another mind, I think it is to be feared, that he ſeems to be rather grieved at thoſe Mens Puniſhment with whom he is aſſociate in their Villany, than for the Infamy of their Society. I am of the opinion, if Kings would abandon the Councils of wicked Men and Flatterers, and meaſure their own Greatneſs rather by duties of vertue, than by the impunity of evil deeds, they would not be grieved for the Puniſhment of Tyrants, nor think that Royal Majeſty is leſſened by whatſoever deſtruction of Tyrants, but rather be glad that it is purged from a moſt filthy blot of wickedneſs; eſpecially ſeeing they uſe to be highly offended with robbers, and that very juſtly, if any of them in their malefices pretend the Kings Name. *M.* Forſooth, they have juſt Cauſe. But laying theſe things aſide, I would have you go on to the other head you propoſed. *B.* What heads do you mean? *M.* Namely in what time, and to whom *Paul* wrote thoſe things, for I deſire to know what the knowledg thereof doth make for the argument in hand. *B.* I ſhall herein obey you alſo. And firſt I ſhall ſpeak of the time, *Paul* wrote theſe things in the very Infancy of the Church, in which time it was not only neceſſary to be blameleſs, but none was to give occaſion to ſuch as ſought occaſion of reproaching, and unjuſt cauſes of ſtaining the Profeſſors of Chriſtianity: Next he wrote to Men of ſeveral Nations, and ſo gathered together into one ſociety out of the whole body of the *Roman* Empire, amongſt whom there were but few very rich, yea almoſt none, who either had ruled, or could rule, or were in any great account amongſt their fellow Citizens, they were not ſo many in number, and theſe almoſt but ſtrangers, and for the moſt part but lately freed of bondage, and others but Tradeſmen and Servants. Amongſt them there were many who did further pretend Chriſtian Liberty, than the ſimplicity of the Goſpel could ſuffer. Now this company of People out of the promiſcuous Multitude, which did won their Living, though meanly, by hard labour, was not to be ſo careful of the ſtate of the Commonwealth

wealth, of the Majesty of the Empire, and of the conversation and duty of Kings, as of the publick tranquility, and their domestick Affairs, nor could they justly claim any more, than to lye lurking under the shadow of whatever Government they were under. If that People had attempted to lay hold upon any Part of Government they should have been accounted not only foolish, but mad. Nor should they come out of their lurking holes to breed trouble to those that did hold the helm of publick affairs in hand. Immature Licentiousness was also to be represled, an unfit Interpreter of Christian Liberty. What then doth *Paul* write? doubtless no new precept but only these usual precepts, namely, that Subjects should obey their Rulers, Servants their Masters and Wives their Husbands, nor should we think the Lords yoke, how light soever, doth liberate us of the bonds of our duty, but with a more attentive mind than before to be bound thereunto, so that we should omit nothing through all the degrees of duties in our relations, that might any wise make for acquiring the favour and good Will of Men. And so it should come to pass, that the Name of God should be well spoken of among the *Gentiles* because of us, and the Glory of the Gospel more largely propagated. For performing of these things, there was need of publick Peace, the keepers whereof were Princes and Magistrates, albeit wicked. May it please you, that I set before you a manifest representation hereof? Imagin that one of our Doctors doth write to the Christians, that live under the *Turks*, to men, I say, of mean Fortune, sore dejected in mind, weak and few in Number, and exposed to the injuries of all and every one. What else, I ask you, would he advise them, then what *Paul* did advise the Church that then was at *Rome*, or what *Jeremy* advised the exiles in *Assyria*? Now this is a most sure argument that *Paul* had a regard to those mens condition to whom he did write, and not to all others, because he diligently sets home the mutual duties of Husbands toward their Wives, of Wives towards their Husbands, of Parents towards their Children, and of Children towards their Parents, of Servants towards their Masters and of Masters towards their Servants. And albeit he writes what the duty of Magistrates is, yet he doth not give them any particular compellation, (as he had done in the preceeding relations.) For which cause we shall judge that he gave no other precepts for Kings and others in Authority: especially seeing their lust was to be much more restrained, than that of private persons? What other cause may we imagin, than that at that time there were no Kings or Magistrates in the Church to whom he

he might write? Imagin that *Paul* doth now live in our days, wherein not only the People, but Princes also Profess Christianity. At the same time, let there be some Prince, who doth conceive that not only should human Laws but also divine Laws be subject to his lust and pleasure, and who will have not only his decrees, but also his very nods to be accounted for Laws, like that man in the Gospel, who neither did fear God, nor reverence man, who distributs the Church revenues amongst villains and rascals, if I may so say; and doth mock the sincere Worshipers of God, and accounts them but Fools and mad Men, or Fanaticks: what would *Paul* write of such to the Church? If he were like himself, he would certainly deny that he should be accounted a Magistrate. He would interdict all Christians to have any communion with him, either in dyet, Speech, or converse, and leave him to the People to be punished by the Laws, and would think they did nothing but their duty, if they should account him not to be their King, with whom they were to have no Fellowship by the Law of God. But there will not be wanting some Court-slaves, or Sycophants, who, finding no honest refuge, become so impudent, as to say, that God being angry against a people doth set *Tyrants* over them: whom as hangmen he appoints for punishing them. Which to be true I do confess; yet it is as true, that God many times doth stir up from amongst the lowest of the people some very mean, and obscure men to revenge Tyranical Pride and weakness: For God, (as before is said) doth command wicked men to be cut off: and doth except neither degree, sex, or condition, nor yet any man. For Kings are not more acceptable to him than beggars. Therefore, we may truely aver, that God being alike the Father of all, to whose providence nothing lies hid, and whose power nothing can resist, will not leave any wickedness unpunished. Moreover, another will stand up and ask some example out of Scripture of a King punished by his Subjects: which albeit I could not produce, yet it will not presently follow, that because we do not read such a thing therein to have been done, that it should be accounted for an high crime and malifice. I may rehearse among many Nations very many and sound Laws, whereof in holy write there is no example. For as the consent of all Nations doth approve, that what the Law doth command, is accounted just, and what it forbiddeth, is unjust, so since the memory of man it was never forbidden, that what should not be contained in Laws, should not at all be done. For that servitude was never received,

nor

nor will the Nature of things ſo fruitful of new Examples ſuffer the ſame to be received, that whatever is not by ſome Law commanded, or recorded by ſome famous Example, ſhould be accounted for a great Crime and Malifice. If therefore any man ſhall ask of me an Example out of the Sacred Scriptures, wherein the Puniſhment of wicked Kings is approved, I ſhall again ask him, where is the ſame reprehended? But if nothing done without ſome Example doth pleaſe: how many civil Statutes ſhall we have continued with us? how many Laws, for the greateſt part thereof is not taken out of any old Example, but eſtabliſhed againſt new Deceits, and that without Example. But we have already anſwered thoſe that require Examples more than was needful: Now if the Jewiſh Kings were not puniſhed by their Subjects, they make not much for our purpoſe in hand. For they were not at firſt created by the People, but were by God given them. And therefore very juſtly, he who was the Author of that Honour, was to puniſh their Miſdeeds. But we debate, that the People, from whom our Kings enjoy whatever Priviledge they claim, is more powerful than their Kings; and that the whole People have that ſame Priviledge over them, which they have over every one in particular of the whole People. All the Rights and Priviledges of forraign Nations, who live under lawful Kings, do make for us; all the Nations which are ſubject to Kings choſen by themſelves, do commonly agree herein, that whatever Priviledge the People hath given to any, the ſame they may require again very juſtly. All Common-wealths have ſtill retained this Priviledge. Therefore *Lentulus*, having conſpired with *Cataline* for overturning the Common wealth of *Rome*, was compelled to renounce his Prætorſhip, and the *Decemviri*, the Makers of the *Roman* Laws, were taken orders with, even whilſt they enjoyed the Supream Authority; Some Dukes of *Venice*, and *Chilpericus* King of *France*, laying aſide their Royal Honours, as private Men, ſpent their Days in Monaſteries. And not long ago, *Chriſtiernus* King of the *Danes*, twenty years almoſt after he was deprived of his Kingdom, did end his Life in Priſon. Now the Dictatorſhip (which was a Kind of Tyranny) was in the Peoples Power. And this Privilege hath been conſtantly obſerved, that publick Benefices granted amiſs, and the Liberty granted to ingrate Perſons ſet at liberty (whom Laws do very much favour) might be taken back again. Theſe things we have ſpoken of forraign Nations, leſt we alone ſeem to have uſurped any new Priviledge, againſt our Kings. But as to what doth properly belong to us, the matter might have been handled in few Words. *M.* What way? For this I am very deſirous to hear. *B.* I might enumerate twelve or

more Kings, who for great Crimes and flagitious deeds, have been either adjudged to perpetual Impriſonment, or eſcaped the juſt Puniſhment of their Wickedneſs, either by Exile or voluntary Death. But leſt any blame me for relating old and obſolete Stories, if I ſhould make mention of *Culen*, *Evan* and *Ferchard*, I ſhall produce ſome few within the Memory of our Fore-fathers. All the Eſtates in a publick Convention, judged *James* the Third to have been juſtly killed, for his great Cruelty and flagitious Wickedneſs towards his Subjects, and did caution that none of them who had aided, conſented, or contributed Money, or had been active therein, to be called thereafter into queſtion therefore. That they therefore did judge the Deed to be duly and orderly done, it being once down, doubtleſs they deſired it might be ſet down for an Example in time coming, ſurely no leſs than *L. Quintius*, ſitting in Judgment, did commend *Servilius Ahalus* for having killed before the Bench, *Sp. Mellus* turning his Back, and refuſing to compear into Judgment, and that he was not guilty of Blood-ſhed, but thought him to be Nobilitate by the Slaughter of a *Tyrant*, and all Poſterity did affirm the ſame. What Subject hath ever approved the Slaughter of one affecting Tyranny? What do you ſuppoſe would he have done with a *Tyrant* robbing the Goods of his Subjects, and ſhedding their Blood? What hath our Men done? do not they ſeem to have made a Law, who by a publick Decree, without any Puniſhment, have paſt by a flagitious Crime committed, if ſuch like ſhall happen in time coming? for at moſt there is no difference, whether you judge concerning that which is done, or make a Law concerning what is to be done. For both ways a Judgment is paſt concerning the Kind of the Crime, and concerning the Puniſhment or Reward of the Actor. *M.* Theſe things will perhaps have ſome weight amongſt us. But I know not how other Nations abroad will take them. You ſee I muſt ſatisfie them. Not as in a judicial way I were to be called in queſtion for the Crime, but openly amongſt all concerning the Fame, not mine (for I am far from any Suſpition thereof) but of my Country men. For I am afraid, leſt forraign Nations will rather blame the Decrees, wherewith you ſuppoſe you are ſufficiently protected, than the Crime it ſelf full of Cruelty and Hatred. But you know, if I miſtake not, what is uſually ſpoken according to the Diſpoſition and Opinion of every one on both hands, concerning the Examples you have propoſed. I would therefore (becauſe you ſeem to have expeded what is paſt, not ſo much from the Decrees of Men, as from the Springs of Nature) you would briefly expound, if you have ought to ſay for the Equity of that Law. *B.* Albeit that may

may ſeem unjuſt to ſtand at the Bar to plead amongſt Forreigners for a Law approved from the very firſt Times of our *Scots* Government by Kings, by the conſtant Practice of ſo many Ages ago, neceſſary for the People, not unjuſt for Kings, but lawful, but now at laſt accuſed of Illegality; yet for your Sake I ſhall try it. And as if I were debating with thoſe very Men who would trouble you, I firſt ask this. What do you think here worthy of Reprehenſion? Is it the Cauſe? why is it ſought for? or is it the Law it ſelf which you reprehended? for the Law was ſought for repreſſing the unjuſt Luſts of Kings. Whoever doth condemn this, muſt likewiſe condemn all the Laws of all Nations, for all Laws were deſired for the very ſame Cauſe. Do you reprehend the Law it ſelf? do you think it lawful that Kings be exempted of, or not liable to the Laws? let us then ſee if that be alſo expedient. And for proving that it is not expedient for the People, there needs not many Words. For if in the former Diſcourſe we have rightly compared a King to a Phyſitian, as it is not expedient for People that Impunity be permitted to a Phyſitian for killing whom he pleaſeth, ſo it is not for the Good of all, that a promiſcuous Licence be granted to Kingss for making Havock of all. We have no cauſe then to be offended with a People, whoſe chief Power it is in making Laws, if, as they deſire a good King to be ſet over them, even ſo a Law to be ſet over a King none of the beſt. But if this Law be not for the Kings Uſe or Profit, let us ſee if the People ſhould be dealt with to remit ſomewhat of their Priviledge, and of abrogating it not for the ſpace of three days, but according to our uſual way we indict a Parliament to meet within forty days. In the mean time, that we may reaſon together concerning the Law, tell me, doth he ſeem to reſpect the Good of a mad Man, who looſeth his Bonds? *M.* Not at all. *B.* What do you think of him who giveth to a Man ſick of a Fever, ſo as he is not far from Madneſs, a Drink of cold Water, though earneſtly craving it, do you think he deſerveth well of that ſick Man? *M.* But I ſpeak of Kings of a ſound Mind. I deny that there is any need of Medicine for ſuch as are in Health, nor of Laws for Kings of a ſound Mind. But you would have all Kings to ſeem wicked, for you impoſe Laws upon all. *B.* I do not think that all Kings are Wicked. Nor do I think all the People to be wicked, and yet the Law in one Voice doth ſpeak to the whole People. Now wicked Men are afraid at that Voice, good People do not think it belongs to them. Thus good Kings have no cauſe to be offended at this Law, and wicked Kings, if they were wiſe, would render Thanks to the Law-giver, who hath ordained what he underſtood would not be

profitable for them, nor to be lawful for them to do. Which indeed they will not do, if ſo be they ſhall once return again to their right Mind. Even as they who are reſtored to Health do render Thanks to their Phyſitian, whom before they had hated, becauſe he would not grant their Deſires whilſt they were ſick. But if Kings continue in their Madneſs, whoever doth moſt obey them, is to be judged their greateſt Enemy. Of this ſort are Flatterers, who by flattering their Vices, do cheriſh and increaſe their Diſeaſe, and at laſt, together almoſt with Kings, are utterly ruined. *M.* I cannot indeed deny, but that ſuch Princes have been, and may be reſtrained by Law-bonds. For there is no Monſter more violent and more peſtiferous than Man, when (as it is in the Poets Fables) he is once degenerated into a Beaſt. *B.* You would much more ſay ſo, if you conſider how many ways a Man becomes a Beaſt, and of how many ſeveral Monſters he is made. Which thing the old Poets did acutely obſerve and notably expreſs, when they ſay that *Prometheus*, in the framing of Man, did give him ſome Particle out of every living Creature. It would be an infinite Work for me to relate the Natures of all one by one. But certainly two moſt vile Monſters do evidently appear in Man, Wrath and Luſt. But what elſe do Laws act or deſire, but that theſe Monſters be obedient to right Reaſon? and whilſt they do not obey Reaſon, may not Laws, by the Bonds of their Sanctions reſtrain them? whoever then doth looſe a King, or any other from theſe Bonds, doth not looſe one Man, but throws in againſt Reaſon two Monſters exceeding cruel, and armeth them for breaking aſunder the Bars of Laws: ſo that *Ariſtotle* ſeemeth to have rightly and truly ſaid, that he who obeyeth the Law, doth obey both God and the Law; but he that obeyeth the King, doth obey both a Man and a Beaſt. *M.* Albeit theſe things ſeem to be ſaid appoſitely enough, yet I think we are in a Miſtake two ways. Firſt, becauſe the laſt things we have ſpoken, ſeem not to agree well enough with the firſt. Next, becauſe, as we may well know we ſeem not to have yet come to the main Point of our Debate. For a little before we were at agreement that the Voice of the King and Law ought to be the ſame, here again we make him Subject to the Laws. Now though we grant this to be very true, what have we gained by this Concluſion? for who ſhall call to an account a King become a Tyrant? for I fear a Priviledge without Strength will not be powerful enough to reſtrain a King forgetful of his Duty, and unwilling to be drawn unto Judgment, to anſwer for Maleadminiſtration. *B.* I fear ye have not well pondered what we have before debated, concerning the Royal Power. For if ye had well conſi-

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dered it, you had eaſily underſtood what you now have ſaid, that betwixt them there is no Contradiction. But that you may the more eaſily take it up, firſt anſwer we, when a Magiſtrate or Clerk doth utter the Words of a Proclamation before an *Herauld*. Is not the Voice of both one and the ſame? I ſay of an Herauld, and of a Clerk. *M.* It is the ſame indeed. *B.* Which of the two ſeems greateſt? *M.* He who firſt doth utter the Words. What is the King, who is the Author of the Edict? *M.* Greater than both. *B.* Then according to this Similitude let us ſet down the King, the Law, and the People. The Voice is the ſame both of King and Law. Which of the two hath the Authority from the other, the King from the Law, or the Law from the King? *M.* The King from the Law. *B.* From whence collect you that? *M.* Becauſe the King was not ſought for to reſtrain the Law, but the Law to reſtrain the King. And from the Law he hath that, whereby he is a King, for without the Law he would be a Tyrant. *B.* The Law then is more powerful than the King, and is as a Governeſs and Moderatrix both of his Luſt and Actions. *M.* That is already granted. *B.* What, Is not the Voice of the People and the Law the ſame? *M.* The very ſame. *B.* Which of the two is moſt powerful, the People or the Law? *M.* I think, the whole People. *B.* Why do you think ſo? *M.* Becauſe the People is as it were the Parent of the Law, certainly the Author thereof, they being able to make or abrogate it as they pleaſe. *B.* Seeing then the Law is more powerful than the King, and the People more powerful than the Law, we muſt ſee before which we may call the King to anſwer in Judgment. Let us alſo diſcuſs this. Are not the things which for ſome others Sake are inſtituted, of leſs account than thoſe for whoſe ſake they are required or ſought? *M.* I would have that more clearly explained. *B.* Follow me thus, is not a Bridle made for the Horſe Sake? *M.* It is ſo. *B.* Are not Saddles, Girdings and Spurs made for Horſes? *M.* They are. *B.* Now if there were no Horſe, there ſhould be no uſe of ſuch things. *M.* None at all. *B.* A Horſe is then better than all theſe. *M.* Why not? *B.* Why a Horſe? for what uſe is he deſired? *M.* For very many Uſes, and firſt of all, for obtaining Victory in War. *B.* We therefore do eſteem the Victory to be of more worth than Horſes, Arms, and other things, which are prepared for the Uſe of War. *M.* Of more worth indeed it is. *B.* What did men eſpecially regard in creating a King? *M.* The Peoples Good, as I ſuppoſe. *B.* But would there be no need of Kings, if there were no Societies of Men? *M.* None at all. *B.* The People then is better than the King. *M.* It muſt needs be ſo. *B.* If the People be better, they are alſo

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greater. *M.* But when ſhall we hope for that Happineſs, that the whole People agree unto that which is Right. *B.* That indeed is ſcarce to be hoped for. And to expect it, is certainly needleſs: otherwiſe a Law could neither be made, nor a Magiſtrate Created. For neither is almoſt any Law alike to all, nor is there almoſt any Man in that Popular Favour, ſo as to have no Man either an Enemy to him, or Envious or Slanderer of him; this now is deſired, that the Law be uſeful for the greateſt part, and that the greateſt part have a good opinion of him that is to be choſen. What if the greateſt part of the People may enjoyn a Law to be made, and Create a Magiſtrate, what doth hinder, but that they alſo may judge him, and appoint Judges over him? Or if the *Tribunes* of the People of *Rome*, and the *Lacedemonian Ephori* were ſought to modifie the Power of Magiſtracy, ſhould it ſeem unjuſt to any Man, if a Free-People, either upon the like or different account, did foreſee their own good in ſuppreſſing the bitterneſs of Tyranny? *M.* Now I ſeem almoſt to perceive what a People can do: But it is a matter of difficulty to judge what they will do, or appoint to be done. For the greateſt part almoſt doth require Old and uſual Cuſtomes, and hateth Novelty, which the rather is to be admired, ſeeing there is ſo great an inconſtancy in Meat, Apparel, Buildings, and in all Houſhold Furniture. *B.* Do not think that theſe things are ſpoken by me, that I would have any new thing in this kind to be done, but that I might ſhew you it hath been of Old, that a King ſhould anſwer in judgment before Judges, which you did believe to be almoſt Incredible, or at leaſt a Novelty. For to paſs over, how often it hath been done by our Anceſtors, as partly before we have ſaid, and you may alſo eaſily Collect from Hiſtory; did you never hear of thoſe who contended for the Kingdom to have appealed to Arbiters? *M.* I have indeed heard it to have been ſometimes done amongſt the *Perſians*. *B.* And our Writers affirm that the ſame was done by *Grimas* and *Milcolumbus*. But leaſt you alledg that that kind of Arbiters were wont to be aſſumed by the Contenders own conſent, let us come to the ordinary Judges. *M.* Here I am afraid you may as far prevail, as if a Man ſhould ſpread Nets in the Sea to catch *Whales*. *B.* Why ſo, I pray you? *M.* Becauſe all apprehending, reſtraint and puniſhment is carried on by the more powerful againſt the weaker. But before what Judges will you command a King to compear? Before them over whom he hath the Supream Power to judge? Whom he can compeſce by this one word, *I Forbid?* *B.* What if ſome greater Power be found which hath that right priviledge or juriſdiction over Kings, which Kings have over others? *M.* I deſire to hear that. *B.* We told you, if you remember,

member, that this Power is in the People. *M.* In the whole People indeed, or in the greateſt part thereof. I alſo yield thus further, that it is in thoſe to whom the People, or the greateſt part of them ſhall tranſmit that Power. *B.* You do well, in holding in my pains. *M.* But you know that the greateſt part of the People is corrupted either through fear, or reward, or through ſome hope of a Bribe and Impunity, ſo as they prefer their own benefit and pleaſures or luſts to the publick utility, and alſo ſafety. Now there are very few who are not hereby moved: according to that of the Poet. Good People are indeed Rare, ſcarce ſo many in number, as there be Gates in *Thebes*, or Iſſues of the *River Nilus*. Now all the reſt being a naughty Rabble fatned with Blood and rapine enjoy their Venal liberty, and Envy the liberty of others. Now that I may paſs from thoſe with whom the name of wicked Kings alſo is ſacred. I alſo Omit thoſe, who, albeit they are not ignorant what is lawful and juſt or right, yet prefer a quiet ſloathfulneſs to honeſt hazards, and heſitating in their minds do frame their conſultation on the expectation of the Event: or follow the good Fortune of either party, but not the cauſe. How great this multitude will be, you ſee. *B.* Great indeed: but yet not very great. For the wrong of Tyrants may reach many, but their good Deeds very few. For the Avarice of the vulgar is inſatiable, as a fire is the more vehemently kindled by adding Fuel thereto: But what is by force taken away from many, doth rather increaſe the Hunger of ſome few, then Satiate their Luſt. And further the fidelity of ſuch Men for the moſt part is unſtable: As ſaith the Poet. Fidelity doth ſtand and fall with Fortune. But if they would alſo continue firm in their judgment, they ſhould not be accounted in the number of good Subjects, for they are the Violators, or rather Betrayers of humane Society; which Vice if not ſufferable in a King, is far leſs tolerable in a private Perſon. Who then are to be accounted the right Subjects? They who give Obedience to the Laws, maintain and defend humane Society, who rather undergo all pains and Labours, and all Hazards for common Safety, then ſpend their time Sluggiſhly in Idleneſs void of all Honeſty; who ſet before their Eyes, not their preſent enjoyments, but the remembrance of Eternity. But if there be any whom fear and ſelf intereſt recal from Hazards, yet the ſplendor of ſome notable Atchievment, and the Beauty of Vertue will raiſe up dejected minds; and thoſe who dare not be Authors or Leaders, will not decline to become Aſſociates. If therefore Subjects be reckoned, not by number, but by dignity and worth, not only the better part, but alſo the greater part will ſtand for their liberty, honeſty and ſafety. But if the whole com-

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mon People diſſent, this ſays nothing to our preſent debate: For we demand not what is to be done, but what may lawfully be done. But now let us come to the ordinary judicial Sentences. *M.* That I juſt now look for. *B.* If any private Man contend that his inheritance, or ſome part of his Land is unjuſtly detained by the King, what do you think ſhould this private Man do? Shall he paſs from his Land, becauſe he cannot ſet a Judge over the King? *M.* Not at all, but he may command not the King, but his proxy to compear in judgment. *B.* Now ſee what ſtrength that refuge hath whereof you make uſe. For it is all one to me, whether the King compear, or his Proxy, or Advocate, for both ways, the Litiſ-conteſtation will redound to the Kings loſs: The damage or gain will redound to him not to his Advocate by the Event of the Sentence. In the end he is found Guilty, that is, he whoſe cauſe is agitated. Now I would have you conſider not only how abſurd it is, but alſo unjuſt to paſs Sentence againſt a King for a petty inheritance for Lights in a Houſe, or for eaſe droppings thereof, and no Sentence to be paſt for Paricide, Witch-craft or Treaſon. To make uſe of the ſeverity of the Law in leſſer matters, and the greateſt Licenſe and Impunity to be permitted in the greateſt Crimes. So that that Old Proverb ſeems plainly true, Laws are very like Spiders Webs, which hold flies faſt, but let bigger Beaſts paſt through. Nor is that complaint and indignation of ſome juſt, who ſay that it is neither Honeſt nor Equitable, that judgment ſhould paſs againſt a King, by a Man of an inferiour Rank, ſeeing they ſee it received and admitted in debate about Mony or Land; and the greateſt Peers next to the King for the moſt part compear before the Judges, who are inferior to them in riches, nobility, and valour. And not much above the Vulgar Rank: and far more below the guilty, than the greateſt Peers are below Kings. Nor yet for all this do theſe Noble-Men or Peers think it any Derogation to their Dignity. Now if we ſhall once admit this, that no Man can be ſiſted before a Judge, unleſs the Judge be every way Superiour to the Perſon Arraigned, the Inferiour Rank muſt attend and wait on until the King either pleaſe, or be at leiſure, to cognoſce concerning the guilty Noble-Man, but what if their complaint be not only unjuſt, but alſo falſe? For no Man coming before a Judge doth come before an Inferior Perſon, eſpecially ſeeing ſo great an Honour is by God himſelf conferred upon the Order of Judges, that he calleth them not only Kings but alſo Gods, and as much as can be, doth Communicate to them his own Dignity. Therefore thoſe *Roman Popes*, who did graciouſly Indulge Kings to Kiſs their Feet, who did ſend for Honours ſake to ſuch as came to meet them, their *Mules* who did Tread upon

upon the Necks of *Emperours*, being called to anſwer in judgment, did obey, and being compelled by Judges, renounced their *Popedom*. *John* the Twenty Second being from flight brought back, was thruſt into Priſon, and ſcarce at laſt relieved by Mony, and ſubmitted to him that was put into his place, and therefore he did approve the Sentence of the Judges. What did the *Synode* of *Baſil*? Did it not appoint and ordain by the common conſent of all the Members thereof, that the *Pope* is ſubject to the Council of Prieſts. Now theſe Fathers were perſwaded upon what account they did ſo, which you may find out of the Acts of theſe Councils. Kings then who confeſs the Majeſty of *Popes* to be ſo far above them, as that it doth over-ſhadow them all with the Top of its Celſitude, I know not how they think therein their Dignity to be diminiſhed, wherein the *Pope* did not think he was diſparaged to deſcend from ſo High a Throne, namely, to ſtand to the Judgment and Sentence of the Cardinals: Hereby you may ſee how falſe their complaint is, who diſdain to be Arraigned at the Bar of an Inferior Judge, for it is not *Titius Sempronius*, or *Stichus* that doth in a judiciary way Condemn and Abſoil, but the Law, to which Kings ſhould yield Obedience. The moſt famous Emperours *Theodoſius* and *Valentinianus* accounted honourable. I ſhall here ſet down their own words, becauſe they deſerve the Memory of all Ages. Is is (ſay they) a word well beſeeming the Majeſty of a King to confeſs he is a Prince tied to the Laws. And we declare that it is more to ſubmit a principality to the Laws than to enjoy an Empire. And what we now declare by this our Edict, we will not ſuffer to be infringed. Theſe things the very beſt Princes judged right and by Law Eſtabliſhed, and ſome of the worſt ſee the ſame. For *Nero* being Apparelled in a dreſs of Harpers, is ſaid to have not only obſerved their Carriage and Motions, but alſo when it came to be judged who had done beſt, that he ſtood Solicitous betwixt Hope and Fear for the Victory. For albeit he knew he would be declared Victor, yet he thought the Victory would be the more Honeſt, if he ſhould obtain it, not by the Flattery of the Judges, but by due debate: And he thought the Obſervation of the Law did Contribute not for the Diminuition of his Authority, but for the ſplendor of the Victory. *M.* Your diſcourſe, I perceive, is not ſo Inſolent, as at firſt I took it, when you ſaid, you would have Kings Obedient to the Laws: For it is not ſo much founded upon the Authority of *Phyloſophers*, as of *Kings*, *Emperours* and *Councils* of the Church. *M.* But I do not well underſtand that you ſay, it is not Man but the Law that Judgeth. *B.* Call to mind what was ſaid a little before: Did we not ſay, that the Voice of the King and of the Law is the ſame? *M.* We

did ſo. *B.* What the Voice of the Clerk, and *Heráuld* is, when the Law is publiſhed? *M.* The very ſame. *B.* But which of the two hath the Authority from the other, whether the Judge from the Law, or the Law from the Judge? *M.* The Judge from the Law. *B.* The ſtrength of the Sentence is then from the Law, and the pronounciation of the words of the Law alone is the Judges. *M.* It ſeems ſo. *B.* Yea, there is nothing more certain, for the Sentences of Judges pronounced according to the Law are ratified, elſe they are reſcinded. *M.* There is nothing more true than that. *B.* You ſee then that the Judges Authority is from the Law, and not the Laws Authority from the Judge. *M.* I ſee it is ſo. *B.* The low and mean condition of him that Proclaimeth the Law doth not diminiſh the Dignity thereof, but the Dignity of the Laws is ſtill the ſame, whether the King, a Judge, or an *Heráuld* Proclaim it. *M.* It is ſo indeed. *B.* The Law then being once Eſtabliſhed, is firſt the Voice of the King, and then of others. *M.* It is ſo. *B.* Whilſt then the King is condemned by a Judge, he ſeems to be condemned by the Law. *M.* That is very clear. *B.* If by the Law, then he is condemned by his own Voice, as ſeems, no leſs than, if it were written with his own hand. *B.* Why then do we ſo much weary our ſelves concerning a Judge, ſeeing we have the Kings own Confeſſion, that is to ſay, the Law? Let us alſo conſider this, which is but preſently come into my mind. When a King in what Cauſe ſoever doth ſit in judgment as a Judge, ſhould he not lay a ſide the perſon of all others, and to have no reſpect to Brother, Kiſman, Friend or Foe, but retain only the perſon of a Judge. *M.* He ought ſo to do. *B.* Ought he not to remember that Perſon only, whoſe proper Act it is he is about. *M.* I would have you tell me that more clearly. *B.* Take heed then: when any Man doth ſecretly take away another Mans Goods, what do we ſay he hath done? *M.* I think, he hath ſtollen them. *B.* How do you call him for this deed? *M.* A Thief. *B.* How do you ſay he hath done, who makes uſe of his Neighbours Wife, as his own? *M.* We ſay he hath committed Adultery. *B.* How do we call him? *M.* An Adulterer. *B.* How do we call him that judgeth? *M.* A Judge. *B.* To others alſo after this manner from the Actions they are about, names may be rightly given. *M.* They may. *B.* When a King then is to paſs a Sentence, he is to lay aſide all other Perſons. *M.* Indeed he ſhould, eſpecially thoſe that may prejudge either of the Parties in Judging. *B.* How do you call him againſt whom the Sentence is paſt, from that Act of judgment? *M.* We may call him Guilty. *B.* And is it not equitable that a Judge lay aſide ſuch perſons as may prejudge the Sentence? *M.* Certainly he ſhould, if ſo be, ſuch perſons be more regarded than the cauſe:

cauſe: Yet ſuch perſons pertain not to a Judge. Seeing God will have no reſpect to be had to the poor in judgment. *B.* If then any Man, who is a Painter and a Grammarian debate before a Judge concerning the Art of Painting againſt a Painter, he is not a Grammarian, for the Science of Grammar ſhould not herein avail him. *M.* Nothing at all. *B.* Nor the Art of Painting avail the other, if the debate be concerning Grammar. *M.* Not a whit more. *B.* A Judge then in judgment muſt acknowledge but one name, to wit, of the Crime, or guilt, whereof the Adverſary or Plantiff doth accuſe his Party or Defendant to be guilty. *M.* No more. *B.* What if a King be guilty of Parricide, hath he the name of a King, and whatever doth belong to a Judge? *M.* Nothing at all, but only of a Parricide, for he cometh not into Controverſie concerning his Kingdom, but concerning his Parricide. *B.* What if two Parricides be called to anſwer in judgment, the one a King, and the other a Poor Fellow, ſhall not there be alike way of procedure by the Judge of both? *M.* The very ſame with both, ſo that I think that of *Lucan* is no leſs true than Elegantly ſpoken. *viz. Cæſar* was both my Leader and Fellow in paſſing over the *Rhine*. Whom a Malifice doth make guilty, it maketh alike. *B.* True indeed. The proceſs then is not here carried on againſt a King and a Poor Man, but againſt their Parricides: For then the proceſs ſhould be led on concerning the King, if it ſhould be asked which of the two ought to be King; Or if it come into queſtion, whether *Hiero* be King or a *Tyrant*, or if any other thing come into queſtion which doth properly belong to the Kings Function. Even as if the Sentence be concerning a Painter, when it is demanded, hath he skill in the Art of Painting. *M.* What if a King will not willingly compear, nor by force can be compelled to compear. *B.* Then the caſe is common with him as with all other Flagitious perſons. For no Thief or Warlike will willingly compear before a Judge to be judged. But I ſuppoſe, you know, what the Law doth permit, namely to kill any way a Thief Stealing by Night, and alſo to kill him if he defend himſelf when Stealing by day. But if he cannot be drawn to compear to anſwer but by Force, you remember what is uſually done. For we perſue by Force and Arms ſuch Robbers as are more powerful than that by Law they can be reached. Nor is there almoſt any other cauſe of all the Wars betwixt Nations, People and Kings than thoſe injuries, which, whilſt they cannot be determined by Juſtice, are by Arms decided. *M.* Againſt Enemies indeed for theſe Cauſes Wars uſe to be carried on, but the caſe is far otherwiſe with Kings, to whom by a moſt ſacred Oath interpoſed we are bound to give Obedience. *B.* We are indeed bound: But they do firſt promiſe that they ſhall Rule in Equity and Juſtice. *M.* It is ſo. *B.* There is then a mu-

tual paction betwixt the King and his Subjects. *M.* It seems so. *B.* doth not he who first recedes from what is covenanted, and doth contrary to what he hath covenanted to do, break the Contract and Covenant? *M.* He doth *B.* The Bond then being looſed, which did hold fast the King with the People, whatever priviledg or right did belong to him, by that agreement and covenant who looseth the same, I suppose is lost. *M.* It is lost. *B.* He then with whom the Covenant was made becometh as free as ever it was before the stipulation. *M.* He doth clearly enjoy the same priviledge, and the same liberty. *B.* Now if a King do those things which are directly for the dissolution of Society, for the continuance whereof he was created, how do we call him? *M.* A *Tyrant*, I suppose. *B.* now a *Tyrant* hath not only no just authority over a People, but is also their Enemy, *M.* He is indeed an Enemy. *B.* Is there not a just and lawful War with an Enemy for grievous and intolerable injuries? *M.* It is forsooth a just War. *B.* what War is that which is carried on with him who is the Enemy of all Mankind, that is, a *Tyrant*? *M.* A most just War. *B.* Now a lawful War being once under taken with an Enemy, and for a just cause, it is lawful not only for the whole People to kill that Enemy, but for every one of them. *M.* I confess that. *B.* May not every one out of the whole multitude of Mankind assault with all the Calamities of War, a *Tyrant* who is a publick Enemy, with whom all good Men have a perpetual warfare. *M.* I perceive all Nations almost to have been of that Opinion. For *Thebe* is usually commended for killing her Husband, *Timoleon* for killing his Brother, and *Cassius* for killing his Son: and *Fulvius* for killing his own Son going to *Catiline*, and *Brutus* for killing his own Sons and Kinsmen; having understood they had conspired to introduce Tyranny again: and publick rewards were appointed to be given, and honours appointed by several Cities of *Greece* to those that should kill *Tyrants*. So that (as is before said) they thought there was no Bond of humanity to be kept with Tyrants. But why do I collect the assent of some single Persons, since I can produce the testimony almost of the whole World. For who doth not sharply rebuke *Domitius Corbulo* for neglecting the safety of Mankind, who did not thrust *Nero* out of his Empire, when he might very easily have done it? And not only was he by the *Romans* reprehended, but by *Tyridates* the *Persian* King, being not afraid; lest at all it should afterward befal an Example unto himself. But the Minds of most wicked Men enraged with cruelty, are not so void of this publick hatred against Tyrants, but that sometimes it breaketh out in them against their will, and forceth them to stand amazed with terrour at the sight of such a just and lawful deed. When the Ministers of *Cajus Caligula* a most cruel Tyrant were

were with the like cruelty tumultuating, for the ſlaughter of their Lord and Maſter, and required thoſe that had killed him to be puniſhed, now and then crying aloud, who had killed the Emperour? *Valerius Aſiaticus* one of the Senators ſtanding in an eminent high place from whence he might be heard, cryed out aloud: I wiſh I had killed him. At which word theſe tumultuary Perſons void of all humanity ſtood as it were aſtoniſhed, and ſo forbore any more to cry out tumultuouſly. For there is ſo great force in an honeſt deed, that the very lighteſt ſhew thereof, being preſented to the Minds of Men, the moſt violent aſſaults are allayed, and fierce fury doth languiſh, and madneſs nill it will it doth acknowledge the ſoveraignty of reaſon. Neither are they of another judgment, who with their loud crys mix Heaven and Earth together. Now this we do eaſily underſtand either from hence, that they do reprehend what now is done, but do commend and approve the ſame ſeemingly more atrocious, when they are recorded in an old Hiſtory: and thereby do evidently demonſtrate that they are more obſequious to their own particular affections, than moved by any publick dammage. But why do we ſeek a more certain witneſs what Tyrants do deſerve, than their own Conſcience? thence is that perpetual fear from all, and chiefly from good Men; and they do conſtantly ſee hanging above their own Necks, the Sword which they hold ſtill drawn againſt others, and by their own hatred againſt others the meaſure other Mens Minds againſt them. But contrariwiſe good Men, by fearing no Man do often procure their own hazard, whilſt they weigh the good will of others towards them, not from the vicious nature of Men, but from their own deſert towards others. *B.* You do then judge that to be true, that Tyrants are to be reckoned in the number of the moſt cruel Brute Beaſts; and that Tyranical violence is more unatural than Poverty, Sickneſs, Death, and other miſeries which may befall Men naturally. *M.* Indeed when I do ponder the weight of your reaſons, I cannot deny, but theſe things are true. But whilſt hazards and inconveniences do occur, which follow on the back of this opinion, my mind as it were tyed up with a Bridle, doth inſtantly I know not how, fail me, and bendeth from that too Stoical and ſevere right way towards utility, and almoſt falleth away. For if it ſhall be lawful for any Man to kill a Tyrant, ſee how great a gap you do open for wicked Men to commit any miſchief, and how great hazard you create to good Men: to wicked Men you permit licentiouſneſs, and lets out upon all the perturbation of all things. For he that ſhall kill a good King, or at leaſt none of the worſt, may he not pretend by his wicked

ed deed ſome ſhew of honeſt and lawful duty? or if any good Subject ſhall in vain attempt to kill a Prince worthy of all puniſhment, or accompliſh what he intended to do, how great a confuſion of all things do you ſuppoſe muſt needs follow thereupon? Whilſt the wicked do tumultuate, raging that their head and leader is taken away from them, neither will all good men approve the deed, nor will all thoſe who do approve the deed, defend the doer and Author of their liberty againſt a wicked crew. And many under an honeſt pretext of Peace will vail their own lazineſs, or rather caluminate the vertue of others, than confeſs their own ſlothfulneſs. ſurely this remembrance of ſelf intereſt, and excuſe of leaving the Publick cauſe and the fear of dangers, if it doth not break the Courage, yet it weakneth the ſame, and compelleth it to prefer tranquillity, albeit not very ſure, to an uncertain expectation of liberty. *B.* If you will remember what is before ſpoken, this your fear will be eaſily diſcuſſed. For we told you that there be ſome Tyrannies allowed by the free ſuffrages of a People, which we do honour with Royal Titles, becauſe of the moderate adminiſtration. No man, with my will, ſhall put violent hands on any ſuch, nor yet on any of thoſe, who even by force or fraud have acquitted ſoveraignty, provided they uſe a moderate way in their Government. Such amongſt the *Romans* were *Veſpaſianus*, *Titus*, *Partinax*; *Alexander* amongſt the *Grecians*, and *Hiero* in *Syracuſa*. Who albeit they obtained the Government by Force and Arms, yet by their Juſtice and Equity deſerved to be reckoned amongſt juſt Kings. Beſides, I do only ſhew what may be lawfully done, or ought to be done in this caſe, but do not exhort to attempt any ſuch thing. For in the firſt a due conſideration of the caſe, and a clear Explanation thereof is ſufficient: but in the laſt there is need of good Counſel in undertaking, of Prudence in aſſaulting, and courage in acting. Now ſeeing theſe things are either promotedor overturned by the circumſtances of Time, Perſon, Place, and other Inſtruments in carrying on the buſineſs: if any ſhall raſhly attempt this, the blame of his fault can be no more imputed to me, than his fault to a Phyſitian, who hath duely deſcribed the Remedies of Diſeaſes, but were given by another to the Patient unſeaſonably. *M.* One thing ſeems yet to be wanting to put an end to this diſpute: which if you ſhall add, I ſhall think I have received a very ſingular kindneſs of you: the matter is this, let me underſtand, if there be any Church Cenſures againſt Tyrants? *B.* You may take it when you pleaſe out of the firſt Epiſtle of *Paul* to the *Corinthians*, where the Apoſtle doth forbid to have any Fellowſhip either at Meat or diſcourſe with openly lewd and flagitious men. If this were obſerved amongſt

Chriſtians

Chriſtians, ſuch lewd Men, unleſs they did reprent, might periſh by hunger, cold, and nakedneſs. *M.* A grievous ſentence indeed that is. But I do not know if a People, that allow ſo much liberty every way to their *Rulers*, will believe that Kings ſhould be puniſhed after this manner. *B.* Surely the Ancient Eccleſiaſtick Writers without Exceptions did thus underſtand that ſentence of *Paul*. For *Ambroſe* did hold out of the Aſſembly of the Chriſtians *Theodoſius the Emperour*, *Theodoſius* obeyed the ſaid Biſhop: and for what I know, Antiquity doth more highly extol the deed of no other ſo much, nor is the modeſty of any other Emperour more commended. But to our purpoſe, what difference is there betwixt the Excluſion out of Chriſtian fellowſhip, and the interdiction from Fire and Water? this laſt is a moſt grievous ſentence impoſed by *Rulers* againſt ſuch as refuſe to obey their Commands: and the former is a Sentence of Church-men. Now the puniſhment of the contempt of both Authorities is death: but the Secular Judge denounceth the death of the Body, the Eccleſiaſtick Judge denounceth the deſtruction of the whole Man. Therefore the Church will not account him worthy of death, whom it doth expel out of the fellowſhip of Chriſtians, while he is alive, and baniſheth him into the fellowſhip of Devils, when dead. Thus according to the equity of the cauſe I think I have ſpoken abundantly, if therewith any Forraigners be deſpleaſed, I deſire they would conſider how unjuſtly they deal with us. For whilſt there be many Nations both great and wealthy in *Europe*, having all their own peculiar Laws, they deal arrogantly who would preſcribe to all that Model and Form of Government which they themſelves enjoy. The *Helvetians* Government is a Common-wealth, *Germany* uſeth the name or Title of Empire, as a lawful Government. Some Cities in *Germany*, as I am (informed) are under the Rule of Princes, The *Venetians* have a Seniority tempered of theſe. *Muſcovia* hath a very Tyranny inſtead of Government. We have indeed but a little Kingdom, but we have enjoy'd it theſe two thouſand Years free of the Empire of forraign Nations. We did create at firſt lawful Kings, we did impoſe upon our ſelves and them equal and juſt Laws, the long continuance of time, doth ſhew they were uſeful. For more by the obſervation thereof than by force of Arms, hath this Kingdom ſtood intire hitherto: Now what iniquity is this, that we ſhould deſire either to abrogate, or neglect the Laws, the good whereof we have found by experience for ſo many Ages? Or what impudence is that in others, that whereas they cannot ſcarce defend their own Government, endeavour to weaken the ſtate and good order of another Kingdom? What? are not our Laws and Statues uſeful not only to our ſelves, but

alſo

alſo to our Neighbours? For what can be more uſeful for keeping Peace with our neareſt Neighbours, than the moderation of Kings? for from immoderate Luſt unjuſt Wars are for the moſt part raſhly undertaken, wickedly proſecuted and carried on, and ſhamefully with much diſgrace left off. And furt her, what more hurtful can there be to any Common-wealth, than bad Laws amongſt their neareſt Neighbours, whereof the contagion doth uſually ſpread far and wide? And why do they thus trouble us only, ſeeing ſo many Nations round about have their ſeveral Laws and Statutes of their own, and no Nation hath altogether the ſame Laws and Statutes as others about them have? and why are they now offended at us, ſeeing we make no new Law, but continue to obſerve what we had by an ancient Priviledge? and ſeeing we are not the only Perſons, nor the firſt Perſons, nor yet is it at this time that we make uſe of our Laws. But our Laws are diſpleaſing to ſome. Perhaps their own Laws diſpleaſe them alſo. We do not curiouſly enquire what the Laws of other Nations are. Let them leave us our own well known by the Experience of ſo many Years. Do we trouble their Councils? or in what buſineſs do we moleſt them? But you are ſeditious, ſay they. I could freely give them an Anſwer? what is that to them? we are tumultuous at our own peril, and [illegible] our own damage. I might enumerate a great many ſeditions that are not hurtful either to Common-wealths or Kingdoms. But I ſhall not make uſe of that defence. I deny any Nation to be leſs ſeditious than we. I deny that any Nation hath ever been more moderate in ſeditions than we. Many contentions have fallen out for Laws, and right of Goverment and adminiſtration of the Kingdom, yet the main buſineſs hath been ſtill kept ſafe. Our contentions never were as amongſt many others, with the deſtruction of the People, nor with the hatred of our Princes, but only out of love to our own Country, and deſire to maintain our Laws How often in our time have great Armies ſtood in oppoſition to one another? how oft have they retired and withdrawn from one another, not only without wound but without any harm, yea without ſo much as a reproach? How often hath the publick utility ſetled the private grudges? how often hath the rumour of the Enemies approach extinguiſhed our inteſtine hatred and animoſity? In all our Sedit ons we have not been more modeſt than fortunate; ſeeing for the moſt part the Party moſt juſt hath been always moſt fortunate: and even as we have moderately vented our hatred, ſo have we to our profit and advantage condeſcended to an agreement. Theſe things at preſent do occur, which might ſeem to compeſce the Speeches of Malevolents refute ſuch as are more pertinatious, and may ſatisfie ſuch as are of a more temperate diſpoſition. But by what right other Nations are govern'd, I thought it not much to our purpoſe. I have briefly rehearſed our own way and cuſtom, but yet more amply than I intended, or than the matter did require: becauſe I undertook this pain, for you only. And if it be approved by you, I have enough. *M.* As for me, you have abundantly ſatisfied me: but if I can ſatifie others alſo, I ſhall think I have received much good by your diſcourſe, and my ſelf eaſed of very much trouble.

FINIS.